

## SECTION 2 of 3

103d Congress

Report

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### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1995

August 12, 1994.-Ordered to be printed

Mr. Dellums, from the committee of conference, submitted the following  
CONFERENCE REPORT  
[To accompany S. 2182]

(c) Fiscal Year 1995 Active Duty End Strengths.-(1) A member of a reserve component described in paragraph (2) shall not be counted (under section 115(a)(1) of title 10, United States Code) against the applicable end strength limitation for members of the Armed Forces on active duty for fiscal year 1995 prescribed in section 401.

(2) Paragraph (1) applies in the case of a member of a reserve component who is on active duty under a call or order to active duty for 180 days or more for activities under section 168 of title 10, United States Code, as added by subsection (a).

(d) Report.-Not later than February 15, 1995, the Secretary of Defense shall submit to Congress a report on the management structure of the military-to-military contacts program.

#### SEC. 1317. EXTENSION OF AUTHORITY TO ENTER INTO CERTAIN COOPERATIVE AGREEMENT AUTHORITIES TO INCLUDE THE UNITED NATIONS AND REGIONAL ORGANIZATIONS OF WHICH THE UNITED STATES IS A MEMBER.

(a) Logistics Agreements.-Section 2341 of title 10, United States Code, is amended-

(1) by striking out "and" the first place it appears in paragraph (1) and inserting in lieu thereof a comma; and

(2) by inserting after "from North Atlantic Treaty Organization subsidiary bodies" the following: ", and from the United Nations Organization or any regional international organization of which the United States is a member".

(b) Cross-Servicing Agreements.-Section 2342 of such title is amended-

(1) in subsection (a)(1)-

(A) by striking out "with-" in the matter preceding subparagraph (A) and inserting in lieu thereof "with any of the following:";

(B) in subparagraph (A)-

(i) by capitalizing the first letter of the first word; and

(ii) by striking out the semicolon at the end and inserting in lieu thereof a period;

(C) in subparagraph (B)-

(i) by capitalizing the first letter of the first word; and

(ii) by striking out "; or" at the end and inserting in lieu thereof a period;

(D) by redesignating subparagraph (C) as subparagraph (D) and capitalizing the first letter of the first word of that subparagraph; and

(E) by inserting after subparagraph (B) the following new subparagraph (C):

"(C) The United Nations Organization or any regional international organization of which the United States is a member.";

(2) in subsection (a)(2), by striking out "subsidiary body" both places it appears and inserting in lieu thereof "organization"; and

(3) in subsection (c), by striking out "as a routine or normal source" and inserting in lieu thereof "or international organization".

(c) Law Applicable to Acquisition and Cross-Serving Agreements.-(1) Section 2343 of such title is amended-

- (A) by striking out subsection (a); and
- (B) by striking out "(b)" before "Sections".

(2)(A) The heading of such section is amended to read as follows:

"§2343. Waiver of applicability of certain laws".

(B) The item relating to such section in the table of sections at the beginning of subchapter I of chapter 138 of such title is amended to read as follows:

"2343. Waiver of applicability of certain laws."

(d) Method of Payment for Acquisitions and Transfers by the United States.-Section 2344(b)(4) of such title is amended by inserting after "North Atlantic Treaty Organization subsidiary bodies" the following: "and the United Nations Organization or any regional international organization of which the United States is a member".

(e) Liquidation of Accrued Credits and Liabilities.-Section 2345(a) of such title is amended by striking out "three" in the first sentence and inserting in lieu thereof "12".

(f) Crediting of Receipts.-Section 2346 of such title is amended by striking out "shall be credited to applicable appropriations, accounts, and funds of the Department of Defense" and inserting in lieu thereof "shall be credited, at the option of the Secretary of Defense, to (1) the appropriation, fund, or account used in incurring the obligation, or (2) an appropriate appropriation, fund, or account currently available for the purposes for which the expenditures were made".

(g) Limitation on Amounts That May Be Obligated or Accrued by the United States.-Section 2347 of such title is amended-

(1) in subsection (a)(1)-

- (A) by striking out "and" the first place it appears and inserting in lieu thereof a comma;
- (B) by inserting after "subsidiary bodies of the North Atlantic Treaty Organization" the following: ", or from the United Nations Organization or any regional international organization of which the United States is a member";

(C) by striking out "\$150,000,000" and inserting in lieu thereof "\$200,000,000"; and

(D) by striking out "\$25,000,000" and inserting in lieu thereof "\$50,000,000";

(2) in subsection (a)(2)-

(A) by striking out "\$10,000,000" the first place it appears and inserting in lieu thereof "\$60,000,000";

(B) by striking out "\$2,500,000" and inserting in lieu thereof "\$20,000,000"; and

(C) by striking out "\$10,000,000" the second place it appears and inserting in lieu thereof "\$60,000,000";

(3) in subsection (b)(1)-

(A) by striking out "and" the first place it appears and inserting in lieu thereof a comma;

(B) by inserting after "subsidiary bodies of the North Atlantic Treaty Organization" the following: ", or from the United Nations Organization or any regional international organization of which the United States is a member"; and

(C) by striking out "\$100,000,000" and inserting in lieu thereof "\$150,000,000";

(4) in subsection (b)(2), by striking out "\$10,000,000" and inserting in lieu thereof "\$75,000,000"; and

(5) by adding at the end the following new subsection:

"(c) When the armed forces are involved in a contingency operation or in a non-combat operation (including an operation in support of the provision of humanitarian or foreign disaster assistance or in support of peacekeeping operations under chapter VI or VII of the Charter of the United Nations), the restrictions in subsections (a) and (b) are waived for the purposes and duration of that operation."

(h) Definitions.-Section 2350 of such title is amended-

(1) in paragraph (1)-

(A) by inserting "(including airlift)" after "transportation";

(B) by inserting "calibration services," after "maintenance services,"; and

(C) by adding at the end the following new sentence: "Such term includes temporary use of general purpose vehicles and other items of military equipment not designated as part of the United States Munitions List pursuant to section 38(a)(1) of the Arms Export Control Act."; and

(2) by adding at the end the following new paragraph:

"(4) The term 'transfer' means selling (whether for payment in currency, replacement-in-kind, or exchange of supplies or services of equal value), leasing, loaning, or otherwise temporarily providing logistic support, supplies, and services under the terms of a cross-servicing agreement."

(i) Annual Report Requirement.-(1) Subchapter I of chapter 138 of title 10, United States Code, is amended by inserting after section 2349 the following new section:

"§2349a. Annual report on non-NATO agreements

"(a) Report.-The Secretary of Defense shall submit to Congress, not later than January 15 of each of 1996, 1997, 1998, 1999, and 2000, a report covering non-NATO cross-servicing and acquisition actions in effect during the preceding fiscal year

"(b) Matters To Be Included.-Each such report shall set forth in detail the following with respect to the preceding fiscal year:

"(1) The total dollar amounts involved.

"(2) A description of any services and equipment provided or received through those actions.

"(3) A description of any equipment provided through those actions that is not returned.

"(4) The volume of credits and liabilities accrued and liquidated.

"(c) Non-NATO Agreements.-For purposes of this section, a non-NATO cross-servicing and acquisition agreement is a cross-servicing and acquisition agreement under this subchapter that involves countries or organizations other than North Atlantic Treaty Organization countries or subsidiary bodies."

(2) The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2349 the following new item:

"2349a. Annual report on non-NATO agreements."

(j) Effective Date.-The amendments made by this section shall apply with regard to any acquisition or transfer of logistic support, supplies, and services under the authority of subchapter I of chapter 138 of title 10, United States Code, that is initiated after the date of the enactment of this Act.

SEC. 1318. PERMANENT AUTHORITY FOR DEPARTMENT OF DEFENSE TO SHARE EQUITABLY THE COSTS OF CLAIMS UNDER INTERNATIONAL ARMAMENTS COOPERATIVE PROGRAMS.

Subsection (c) of section 843 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2469; 10 U.S.C. 2350a note) is repealed.

#### SUBTITLE C-MATTERS RELATING TO SPECIFIC COUNTRIES

##### SEC. 1321. DEFENSE COOPERATION BETWEEN THE UNITED STATES AND ISRAEL.

(a) Findings.-Congress makes the following findings:

(1) The President has reiterated the long-standing United States commitment to maintaining the qualitative superiority of the Israeli Defense Force over any combination of adversaries.

(2) Congress continues to recognize the many benefits to the United States from its strategic relationship with Israel, including enhancing regional stability and technical cooperation.

(3) Despite the momentous peace process in which Israel and its neighbors are productively engaged, Israel continues to face difficult threats to its national security that are compounded by the proliferation of weapons of mass destruction and ballistic missiles.

(4) Congress is supportive of the objective of the President to enhance United States-Israel military and technical cooperation, particularly in the areas of missile defense and counter-proliferation.

(b) Sense of Congress.-It is the sense of Congress that-

(1) the President should ensure that any conventional defense system or technology offered for release to any NATO or other major non-NATO ally should concurrently be available for purchase by Israel unless such action would contravene United States national interests; and

(2) the President should make available to Israel, within existing technology transfer laws, regulations, and policies, advanced United States technology necessary for continued progress in cooperative United States-Israel research and development of theater missile defenses.

##### SEC. 1322. READINESS OF MILITARY FORCES OF THE REPUBLIC OF KOREA.

(a) Findings.-Congress makes the following findings:

(1) Under existing security arrangements between the United States and the Republic of Korea, responsibility for the defense of the territory of the Republic of Korea is allocated so that the Republic of Korea has primary responsibility for the ground defense of its territory and the United States has primary responsibility for air and sea defense of the Korean peninsula and for reinforcement.

(2) The Force Improvement Program of the Republic of Korea has not fully addressed critical shortfalls in its ground force capability which continue to exist even though the Republic of Korea spends approximately \$12,000,000,000 annually on defense while the Democratic People's Republic of Korea spends approximately \$4,000,000,000 annually on defense. The Republic of Korea has directed substantial defense resources to procuring submarines, destroyers, advanced aircraft, and other military systems that are marginal to its primary ground defense responsibility.

(3) The defense acquisition decisions of the Republic of Korea have had the effect of not allowing the Republic of Korea to attain self-sufficiency in its ground defense responsibility. As a result, there exists an undue burden on the United States for the ground defense of the Korean peninsula.

(4) The lack of intelligence capability to forecast the military intentions of the Democratic People's Republic of Korea presents major problems for the combined United States-Republic of Korea defense of South Korea.

(5) A short-warning attack by the Democratic People's Republic of Korea would cause major losses to the combined United States-Republic of Korea ground force.

(b) Sense of Congress.-It is the sense of Congress that the President should urge the Republic of Korea to continue to improve its military ground forces with emphasis on counterartillery capabilities, defense against ballistic missiles and weapons of mass destruction, combined United States-Republic of Korea logistics capabilities, combined United States-Republic of Korea medical support, and combined United States-Republic of Korea capabilities for tactical intelligence and indications and warning of a North Korean attack.

(c) Report.-Not later than January 15, 1995, the Secretary of Defense shall submit to Congress a report, in classified form, on-

(1) the readiness of the military forces of the Republic of Korea to defeat an attack by the military forces of the Democratic People's Republic of Korea; and

(2) the adequacy of the defense acquisition strategy of the Republic of Korea to meet its primary ground defense mission.

#### SEC. 1323. MILITARY PLANNING FOR THE SIZE AND STRUCTURE OF A FORCE REQUIRED FOR A MAJOR REGIONAL CONTINGENCY ON THE KOREAN PENINSULA.

(a) Findings.-Congress makes the following findings:

(1) The Secretary of Defense conducted the Bottom-Up Review during 1993 to establish the size and structure for the Armed Forces for the Post-Cold-War era.

(2) The report on the Bottom-Up Review cites the need for the Armed Forces to be large enough to prevail in two major regional conflicts "nearly simultaneously".

(3) The report on the Bottom-Up Review gives special consideration to a scenario that hypothesizes that the two "nearly simultaneous" conflicts would occur in Korea and the Persian Gulf.

(4) The United States sent 7 Army divisions, the equivalent of 10 Air Force tactical fighter wings, 70 heavy bombers, 6 Navy aircraft carrier battle groups, and 5 Marine Corps brigades to the Persian Gulf to fight the war against Iraq.

(5) The report on the Bottom-Up Review asserts that the forces needed to fight two conflicts similar to that with Iraq can be drawn from a total military force of between 15 and 16 Army divisions, 20 Air Force tactical fighter wings, up to 184 heavy bombers, 11 active Navy aircraft carriers (along with one reserve/training carrier), and the equivalent of 12 Marine Corps brigades.

(6) The report on the Bottom-Up Review recognizes that approximately 100,000 members of the Armed Forces will be stationed in Europe.

(7) The report on the Bottom-Up Review recognizes that sizeable numbers of United States forces could be involved in peace enforcement and intervention operations at any one time.

(8) The report on the Bottom-Up Review makes no specific recommendation as to the number of forces to be held in reserve to provide a rotation base either to relieve troops in the event one or both hypothetical conflicts result in lengthy deployments or to replace combat losses.

(9) Military planners calculate that 430,000 or more United States military personnel may be needed to win a war with North Korea begun by an invasion of South Korea by North Korea.

(10) In a worst case scenario, the size of the force military planners may request to help defend South Korea could exceed the levels that are consistent with the recommendations of the report on the Bottom-Up Review if the existing and future force requirements for a presence in Europe, possible peace enforcement operations, and an adequate rotation base, as well as a second regional conflict, must be fulfilled simultaneously.

(11) The Bottom-Up review was conducted for the purpose of force-sizing and was not meant to constrain operational planning.

(b) Sense of Congress Concerning BUR.-It is the sense of Congress that-

(1) the force structure identified in the report on the Bottom-Up Review should not be used to limit the size or structure of the force that United States military commanders may request in preparation for a major regional contingency on the Korean peninsula; and

(2) the conclusions of the Bottom-Up Review should be continuously examined in light of the lessons learned from preparation for a major regional contingency on the Korean peninsula and from other military operations.

(c) Sense of Congress Concerning Situation on Korean Peninsula.-It is the sense of Congress that the chairmen and ranking minority members of the Committees on Armed Services and chairmen and ranking minority members of the Appropriations Subcommittees on Defense of the Senate and House of

Representatives should receive regular briefings from the Secretary of Defense on the situation on the Korean peninsula.

SEC. 1324. SENSE OF CONGRESS CONCERNING THE NORTH KOREAN NUCLEAR WEAPONS DEVELOPMENT PROGRAM.

(a) Findings.-Congress makes the following findings:

(1) Between 1950 and 1953, the United States led a military coalition that successfully repelled an invasion of the Republic of Korea by North Korea, at a cost of more than 54,000 American lives.

(2) The United States and the Republic of Korea ratified a Mutual Security Treaty in 1954 that commits the United States to helping the Republic of Korea defend itself against external aggression.

(3) Approximately 37,000 United States military personnel are presently stationed in the Republic of Korea.

(4) The United States and the Republic of Korea have regularly conducted joint military exercises, including "Team Spirit" exercises.

(5) North Korea has built up an armed force nearly twice the size of that in the Republic of Korea and has not renounced the use of force, terrorism, and subversion in its attempts to subdue and subjugate the Republic of Korea.

(6) Although North Korea signed the Treaty on the Non-Proliferation of Nuclear Weapons in 1985, it has impeded the international inspection of its nuclear facilities that is required of all signatories of that Treaty.

(7) North Korea's nuclear weapons and ballistic missile programs represent a grave threat to the security of the Korean peninsula and the entire world.

(8) Efforts in recent years by the United States to reduce tensions on the Korean peninsula have included-

(A) the withdrawal of all nuclear weapons from the territory of the Republic of Korea and a reduction in the number of United States military personnel stationed there;

(B) the postponement of the 1994 Team Spirit exercises;

(C) the establishment of direct diplomatic contacts with the North Korean government; and

(D) the offer of expanded diplomatic and economic contacts with North Korea.

(9) Weapons-grade plutonium can be extracted from the fuel rods removed from North Korea's principal reactor at Yongbyon.

(10) International inspectors were not permitted to examine and test in a timely manner spent fuel rods removed from North Korea's principal nuclear reactor at Yongbyon, as required to ensure compliance with North Korea's obligations under the Nuclear Non-Proliferation Treaty.

(11) Diplomacy concerning the North Korean nuclear program has clearly reached a crucial stage, the unsatisfactory resolution of which would place the international nonproliferation regime in jeopardy and threaten the peace and security of the Korean peninsula, the Northeast Asia region, and, by extension, the rest of the world.

(b) Sense of Congress.-It is the sense of Congress that-

(1) the announced freeze on the North Korean nuclear program should remain in place until internationally agreed-upon safeguards of any North Korean civilian nuclear program can be made fully effective;

(2) the North Korean government should take a further step toward verified cooperation with the international nonproliferation regime by-

(A) permitting the unfettered international inspection and testing of the spent fuel rods removed from North Korea's nuclear reactor at the Yongbyon nuclear complex, followed by adequate international supervision of the transfer of all spent fuel rods from the Yongbyon complex and their disposal in another country; and

(B) accepting a comprehensive inspection process as required by the Treaty on the Non-Proliferation of Nuclear Weapons;

(3) a resolution of the inspection controversy at the Yongbyon complex that allows for anything less than the full international inspection of facilities in that complex required by North Korea's obligations under the Nuclear Non-Proliferation Treaty-

(A) would be unsatisfactory; and

(B) should prompt the Government of the United States to take such action as would indicate the severity with which the United States views this provocation against international norms; and

(4) such action should include (but not necessarily be limited to)-

(A) the seeking of international sanctions against North Korea; and

(B) the rescheduling of the Team Spirit exercises for 1994.

#### SEC. 1325. REPORT ON SECURITY RELATIONSHIP BETWEEN THE UNITED STATES AND JAPAN.

(a) Report Required.-Not later than March 1, 1995, the Secretary of Defense shall submit a report to Congress regarding the security relationship between the United States and Japan.

(b) Content of Report.-The report required by this section shall contain the following:

(1) An evaluation of the security objectives that the United States hopes to achieve in its relationship with Japan.

(2) An analysis of the threats, dangers, and risks to the United States and Japan in the Asia-Pacific region.

(3) An explanation of the United States strategy for achieving its security objectives with Japan and in the Asia-Pacific region.

(4) An evaluation of the role of the United States-Japan Security Treaty in achieving United States security objectives with Japan and in the Asia-Pacific region.

(5) An analysis of the contributions that regional security discussions, consultations, or frameworks could make to the achievement of United States and Japanese security objectives.

(6) A discussion of the process by which the United States and Japan address joint infrastructure matters, such as land and training issues, throughout Japan, including Okinawa.

(7) A description of the United States military facilities in Japan, including Okinawa, that have been transferred to Japan in the previous 10 years.

(8) A description of the contribution that Japan makes to the costs incurred by the United States in stationing military forces in Japan.

(9) A review of the United States military presence in Japan, including Okinawa, that contains the following information:

(A) The number and location of United States personnel.

(B) The number, size, and location of major United States military units.

(C) An inventory and description of the utilization of United States military facilities, including their military, economic, and environmental aspects.

(D) An explanation of the status of discussion between the United States and Japanese governments on joint infrastructure matters.

(E) A description of United States training activities.

#### TITLE XIV-PEACE OPERATIONS AND HUMANITARIAN ASSISTANCE ACTIVITIES

##### SUBTITLE A-PEACE OPERATIONS

#### SEC. 1401. REPORTS ON REFORMING UNITED NATIONS PEACE OPERATIONS.

(a) Reports Required.-The Secretary of Defense shall submit to Congress two reports on proposals by the United States for improving management by the United Nations of peace operations. The Secretary shall submit the first report not later than December 1, 1994, and the second not later than June 1, 1995.

(b) Status of Implementation of United States Proposals.-Each report shall contain-

(1) a discussion of the status of implementation of proposals by the United States contained in section IV (relating to strengthening the United Nations) of the document entitled "The Clinton Administration's Policy on Reforming Multilateral Peace Operations" that was issued by the Executive Office of the President in May 1994; and

(2) an analysis of the results of such implementation.

(c) Subjects To Be Covered.-Each report shall cover, at a minimum, the following matters:

(1) The reconfiguration and expansion of the staff for the United Nations Department of Peacekeeping Operations.

(2) The reasons for lengthy, potentially disastrous delays after a peace operation has been authorized and steps by the United Nations to reduce those delays.

(3) The establishment by the United Nations of a professional peace operations training program for commanders and other military and civilian personnel.

(4) Assistance by the United States to facilitate improvements by the United Nations in the matters described in paragraphs (1) and (3) and the terms under which such assistance has been or is being provided.

(d) Peace Operation Defined.-In this section, the term "peace operation" means an operation to maintain or restore international peace and security under chapter VI or chapter VII of the Charter of the United Nations.

#### SEC. 1402. REPORT ON MILITARY READINESS IMPLICATIONS OF BOSNIA PEACEKEEPING DEPLOYMENT.

(a) Report.- (1) The Secretary of Defense shall submit to the congressional defense committees a report assessing the implications for United States military readiness of the participation of United States ground combat forces in peacekeeping operations within Bosnia-Herzegovina.

(2) The report shall be submitted not later than 90 days after the date of the enactment of this Act or 30 days following the deployment of United States ground forces to Bosnia-Herzegovina, whichever occurs sooner.

(b) Matters To Be Included.-The report under subsection (a) shall include the following:

(1) An estimate of the total number of forces required to carry out such an operation, including forces required for a rotation base.

(2) An estimate of the expected duration of such an operation.

(3) An estimate of the cost of such an operation, together with an explanation of how the Secretary proposes to provide funds for such an operation and an assessment of how such proposed funding plan would affect overall military readiness.

(4) An assessment of the effect such an operation would have on the ability of the United States Armed Forces to execute successfully the two nearly-simultaneous major regional conflict strategy articulated in the Bottom-Up Review.

(5) An assessment of how readily forces participating in such an operation could be redeployed to a major regional conflict, including an analysis of the availability of strategic lift, the likely condition of equipment, and the extent of retraining necessary to facilitate such a redeployment.

(6) An assessment of the effect such an operation would have on the general combat readiness and deployability of combat units designated to be part of the contingency force, including the extent to which contingency force combat units would support the initial deployment and subsequent rotations.

(7) An assessment of the effect such an operation would have on the general combat readiness and deployability of combat units not designated to be part of the contingency force, including the extent to which non-contingency force combat units would support the initial deployment and subsequent rotations.

(8) For the initial deployment and subsequent rotations, an assessment of the number and type of combat support and combat service support units required from active forces, including how many of such units are designated to support the deployment of the contingency force.

(9) An assessment of the degree to which such an operation would require the use of reserve component units and personnel and the use and timing of involuntary Selected Reserve call-up authority as provided by section 673b of title 10, United States Code.

(10) An assessment of the anticipated cost of equipment refurbishment resulting from such an operation.



(11) An assessment of how the increased operational tempo associated with such an operation would affect the mission capable readiness rates and overall health of both strategic and theater airlift assets.

(c) Definitions.-For purposes of this section:

(1) The term "contingency force" includes-

(A) the set of four or five Army divisions that is designated as the Army contingency force by the Secretary of the Army, as well as Army active duty and reserve component combat, combat support, and combat service support units designated to respond to a regional conflict within the first 75 days of such conflict; and

(B) Air Force, Navy, and Marine Corps active duty and reserve component combat, combat support, and combat service support units designated to respond to a regional conflict within the first 75 days of such conflict.

(2) The term "Bottom-Up Review" means the October 1993 Department of Defense report entitled "Report on the Bottom-Up Review".

(d) Classification of Report.-The report required by subsection (a) shall be submitted in unclassified form and, if necessary, in classified form.

#### SEC. 1403. REPORT ON INTELLIGENCE LESSONS LEARNED FROM UNITED STATES ACTIVITIES IN SOMALIA.

(a) Report.-The Secretary of Defense shall submit to Congress a report on the intelligence lessons learned from the United States participation in United Nations activities in Somalia.

(b) Matters To Be Included.-The report shall-

(1) specifically describe the availability of intelligence on forces of other nations and of indigenous forces operating in Somalia before, during, and after the insertion of United States forces; and

(2) set forth a complete review of any intelligence failures, any equipment failures, and any equipment unavailability in the theater.

(c) Submission of Report.-The report shall be submitted not later than 180 days after the date of the enactment of this Act.

#### SEC. 1404. BOSNIA AND HERCEGOVINA.

(a) Purpose.-It is the purpose of this section-

(1) to express the sense of Congress concerning the international efforts to end the conflict in Bosnia and Hercegovina; and

(2) to establish a process to end the arms embargo on the Government of Bosnia and Hercegovina.

(b) Statement of Support.-The Congress supports the efforts of the Contact Group to bring about a peaceful settlement of the conflict in Bosnia and Hercegovina based upon the Contact Group proposal.

(c) Sense of Congress.-It is the sense of Congress that:

(1) The United States should work with the member nations of the North Atlantic Treaty Organization and with other permanent members of the United Nations Security Council to bring about a peaceful settlement of the conflict in Bosnia and Hercegovina which maintains the territorial integrity of Bosnia and Hercegovina.

(2) A peaceful settlement of the conflict must preserve an economically, politically, and militarily viable Bosnian state capable of exercising its rights under the Charter of the United Nations as part of a peaceful settlement, which rights include the inherent right of a sovereign state to self defense.

(3) The acceptance of the Contact Group proposal by the Government of Bosnia and Herzegovina should lead to the lifting of the Bosnia arms embargo.

(4) In providing weapons to the Bosnian Government or taking other actions, care should be taken to provide for the safety of the United Nations Protection Force (UNPROFOR) and the civilian personnel working for the United Nations or nongovernmental volunteer organizations.

(5) The United States should immediately seek to organize an international effort to provide assistance to the states bordering Serbia and Montenegro to bring about more effective enforcement by those states of the international economic sanctions on the Government of Serbia and Montenegro.

(d) General United States Policy.-The United States should exercise leadership within the international community to cause the Bosnian Serb faction to accept the Contact Group proposal. Such action should be taken on separate but complementary international and unilateral tracks, as set forth in subsections (e), (f), and (g).

(e) International Policy.-If the Bosnian Serbs do not accept the Contact Group proposal by the date that is the later of October 15, 1994, or the end of the 10-day period beginning on the date of the enactment of this Act, the President (or his representative) should, not later than 14 days thereafter, formally introduce and support in the United Nations Security Council a resolution to terminate the Bosnia arms embargo. The resolution should provide for the termination of the arms embargo no later than December 1, 1994 (and may allow for the termination to be accomplished in stages ending no later than that date).

(f) Unilateral United States Policy.-(1) If by the earlier of November 15, 1994, or the end of the 15-day period beginning on the date on which a resolution described in subsection (e) (or a similar resolution) is formally introduced, the United Nations Security Council has not agreed to such a resolution and the Bosnian Serbs have not accepted the Contact Group proposal-

(A) the funding limitation specified in paragraph (2) shall be in effect;

(B) the President shall submit a plan to, and shall consult with, Congress on the manner in which United States Armed Forces and the military forces of friendly states would provide training to the armed forces of the Government of Bosnia and Herzegovina outside of the territory of Bosnia and Herzegovina; and

(C) the President shall submit a plan to, and shall consult with, Congress regarding the unilateral termination by the United States of compliance with the Bosnia arms embargo and the implications thereof.

(2) If the funding limitation specified in this paragraph is in effect pursuant to paragraph (1)(A), then no funds appropriated by any provision of law may be used for the purpose of participation in, support for, or assistance to the enforcement of the Bosnia arms embargo by any Department, agency or other entity of the United States (or by any officer or employee of the United States or member of the Armed Forces of the United States) other than as required of all United Nations member states under the United Nations Security Council resolution referred to in subsection (h)(3) and the Charter of the United Nations.

(3)(A) The President may waive the limitation in paragraph (2) in the case of United States military personnel serving in NATO headquarters positions.

(B) Nothing in paragraph (2) is intended to impede enforcement of sanctions against Serbia.

(g) Interim Policy.-If the Bosnian Serb faction attacks any area within those areas that have been designated by the United Nations as "safe areas", the President (or his representative) should promptly formally introduce and support in the United Nations Security Council a resolution that authorizes a selective lifting of the Bosnia arms embargo in order to allow the provision of defensive weapons (such as anti-tank weapons, counter-battery radars, and mortars) to enable the forces of the Government of Bosnia and Herzegovina to defend the safe areas.

(h) Definitions.-For purposes of this section:

(1) The term "Contact Group" means the group composed of representatives of the United States, Russia, France, Britain, and Germany seeking to bring about a peaceful settlement of the conflict in Bosnia and Hercegovina.

(2) The term "Contact Group proposal" means the peace proposal of the Contact Group that has been agreed to by the Government of Bosnia and Hercegovina and rejected by the Bosnian Serb faction.

(3) The term "Bosnia arms embargo" means application to the Government of Bosnia and Hercegovina of the arms embargo imposed by United Nations Security Council resolution 713, of September 25, 1991.

## SUBTITLE B-ASSISTANCE ACTIVITIES

### SEC. 1411. OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID PROGRAMS.

(a) OHDACA Programs.-For purposes of section 301 and other provisions of this Act, programs of the Department of Defense designated as Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) programs are the programs provided by-

- (1) sections 401, 402, 2547, and 2551 of title 10, United States Code;
- (2) section 404 of title 10, United States Code, as added by section 1412; and
- (3) section 1413 of this Act.

(b) Limitation.-Not more than one-half of the amount authorized to be appropriated in section 301 for those programs may be obligated until the regulations required to be prescribed by subsection (a) of section 1504 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1839) have been prescribed.

### SEC. 1412. FOREIGN DISASTER ASSISTANCE.

(a) Authority.-Subchapter I of chapter 20 of title 10, United States Code, is amended by adding at the end the following new section:

"§404. Foreign disaster assistance

"(a) In General.-The President may direct the Secretary of Defense to provide disaster assistance outside the United States to respond to manmade or natural disasters when necessary to prevent loss of lives.

"(b) Forms of Assistance.-Assistance provided under this section may include transportation, supplies, services, and equipment.

"(c) Notification Required.-Not later than 48 hours after the commencement of disaster assistance activities to provide assistance under this section, the President shall transmit to Congress a report containing notification of the assistance provided, and proposed to be provided, under this section and a description of so much of the following as is then available:

- "(1) The manmade or natural disaster for which disaster assistance is necessary.
- "(2) The threat to human lives presented by the disaster.
- "(3) The United States military personnel and material resources that are involved or expected to be involved.
- "(4) The disaster assistance that is being provided or is expected to be provided by other nations or public or private relief organizations.
- "(5) The anticipated duration of the disaster assistance activities.

"(d) Organizing Policies and Programs.-Amounts appropriated to the Department of Defense for any fiscal year for Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) programs of the Department shall be available for organizing general policies and programs for disaster relief programs for disasters occurring outside the United States.".

(b) Clerical Amendment.-The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"404. Foreign disaster assistance.".

#### SEC. 1413. HUMANITARIAN ASSISTANCE PROGRAM FOR CLEARING LANDMINES.

(a) Program Authorized.-The Secretary of Defense shall carry out a program for humanitarian purposes to provide assistance to other nations in the detection and clearance of landmines. Such assistance shall be provided through instruction, education, training, and advising of personnel of those nations in the various procedures that have been determined effective for detecting and clearing landmines.

(b) Forms of Assistance.-The Secretary may provide assistance under subsection (a) by-

- (1) providing Department of Defense personnel to conduct the instruction, education, or training or to furnish advice; or
- (2) providing financial assistance or in-kind assistance in support of such instruction, education, or training.

(c) Limitation on United States Military Personnel.-The Secretary of Defense shall ensure that no member of the Armed Forces of the United States-

- (1) while providing assistance under subsection (a), engages in the physical detection, lifting, or destroying of landmines (unless the member does so for the concurrent purpose of supporting a United States military operation); or
- (2) provides such assistance as part of a military operation that does not involve the Armed Forces of the United States.

(d) Use of Funds.-Of the amount authorized to be appropriated by section 301 for Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) programs of the Department of Defense, not more than \$20,000,000 shall be available for the program under subsection (a). Such amount may be used-

- (1) for activities to support the clearing of landmines for humanitarian purposes, including activities relating to the furnishing of education, training, and technical assistance;
- (2) for the provision of equipment and technology by transfer or lease to a foreign government that is participating in a landmine clearing program under this section; and
- (3) for contributions to nongovernmental organizations that have experience in the clearing of landmines to support activities described in subsection (a).

(e) Notice to Congress.-The Secretary of Defense shall provide notice to Congress of any activity carried out under this section.

### TITLE XV-ARMS CONTROL MATTERS

#### SEC. 1501. EXTENSION AND REVISION OF NONPROLIFERATION AUTHORITIES.

(a) Extension of Nonproliferation Authorities.-Section 1505 of the National Defense Authorization Act for Fiscal Year 1993 (22 U.S.C. 5859a) is amended-

(1) in subsection (a), by striking out "during fiscal year 1994" and inserting in lieu thereof "during fiscal years 1994 and 1995"; and

(2) in subsection (e)(1), by striking out "fiscal year 1994" and inserting in lieu thereof "fiscal years 1994 and 1995".

(b) Activities for Which Assistance May Be Provided.-Subsection (b) of such section is amended-

(1) in paragraph (1)-

(A) by striking out "the International Atomic Energy Agency (IAEA)" and inserting in lieu thereof "international organizations";

(B) by striking out "nuclear";

(C) by striking out "aggressive" and inserting in lieu thereof "effective"; and

(D) by striking out "the Treaty on" and all that follows in such paragraph and inserting in lieu thereof "international agreements on nonproliferation."; and

(2) in paragraph (4), by striking out "nuclear proliferation through joint technical projects and improved intelligence sharing" and inserting in lieu thereof "nuclear, biological, chemical, and missile proliferation through technical projects and improved information sharing".

(c) Sources of Assistance.-Subsection (d) of such section is amended-

(1) in paragraph (1)-

(A) by inserting "for fiscal year 1994" after "under this section"; and

(B) by striking out "fiscal year 1994 or" and inserting in lieu thereof "fiscal year 1994.

Funds provided as assistance under this section for fiscal year 1995 shall be derived from amounts made available to the Department of Defense for fiscal year 1995. Funds provided as assistance under this section for a fiscal year referred to in this paragraph may also be derived"; and

(2) in paragraph (3), by inserting after "\$25,000,000" the following: "for fiscal year 1994 or \$20,000,000 for fiscal year 1995".

## SEC. 1502. JOINT COMMITTEE FOR REVIEW OF COUNTERPROLIFERATION PROGRAMS OF THE UNITED STATES.

(a) Name and Composition.-Subsection (a) of section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat 1845) is amended-

(1) in paragraph (1)-

(A) by striking out "Non-Proliferation Program Review Committee" in the matter preceding subparagraph (A) and inserting in lieu thereof "Counterproliferation Program Review Committee";

(B) by striking out subparagraphs (B) and (E); and

(C) by redesignating subparagraphs (C), (D), and (F) as subparagraphs (B), (C), and (D), respectively;

(2) in paragraph (2), by adding at the end the following: "The Secretary of Energy shall serve as the Vice Chairman of the committee.";

(3) in paragraph (4), by adding at the end the following: "The Secretary of Energy may delegate to the Under Secretary of Energy responsible for national security programs of the Department of Energy the performance of the duties of the Vice Chairman of the committee."; and

(4) by striking out paragraph (5).

(b) Purposes of Committee.-Subsection (b) of such section is amended-

(1) in paragraph (1)(A), by striking out "nonproliferation policy" and inserting in lieu thereof "counterproliferation policy"; and

(2) by adding at the end the following new paragraphs:

"(3) To establish priorities for programs and funding.

"(4) To encourage and facilitate interagency and interdepartmental funding of programs in order to ensure necessary levels of funding to develop, operate, and field highly-capable systems.

"(5) To ensure that Department of Energy programs are integrated with the operational needs of other departments and agencies of the Government.

"(6) To ensure that Department of Energy national security programs include technology demonstrations and prototype development of equipment."

(c) Duties.-Subsection (c) of such section is amended-

(1) in paragraph (1)-

(A) by striking out "(including counterproliferation capabilities) and technologies for support of United States nonproliferation policy" in the matter preceding subparagraph (A) and inserting in lieu thereof "and technologies for support of United States nonproliferation policy and counterproliferation policy";

(B) by inserting "and" at the end of subparagraph (D); and

(C) by striking out subparagraphs (F) and (G);

(2) by striking out paragraphs (2), (3), and (7);

(3) in paragraph (4), by striking out "to support fully the nonproliferation policy of the United States";

(4) by redesignating paragraphs (4), (5), and (6) as paragraphs (2), (3), and (4), respectively; and

(5) by adding at the end the following new paragraph (5):

"(5) assess each fiscal year the effectiveness of the committee actions during the preceding fiscal year, including, particularly, the status of recommendations made during such preceding fiscal year that were reflected in the budget submitted to Congress pursuant to section 1105(a) of title 31, United States Code, for the fiscal year following the fiscal year in which the assessment is made."

(d) Committee Recommendations.-Subsection (e) of such section is amended to read as follows:

"(e) Recommendations.-The committee shall submit to the President and the heads of all appropriate departments and agencies of the Government such programmatic recommendations regarding existing, planned, or new programs as the committee considers appropriate to encourage funding for capabilities and technologies at the level necessary to support United States counterproliferation policy."

(e) Extension of Committee.-Subsection (f) of such section is amended by striking out "six months after the date on which the report of the Secretary of Defense under section 1606 is submitted to Congress" and inserting in lieu thereof "at the end of September 30, 1996".

(g) Heading Amendment.-The heading of such section is amended by striking out "proliferation" and inserting in lieu thereof "counterproliferation".

#### SEC. 1503. REPORTS ON COUNTERPROLIFERATION ACTIVITIES AND PROGRAMS.

(a) Report Required.-Not later than May 1, 1995, and May 1, 1996, the Secretary of Defense shall submit to Congress a report of the findings of the Counterproliferation Program Review Committee established by subsection (a) of the Review Committee charter.

(2) For purposes of this section, the term "Review Committee charter" means section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160), as amended by section 1502.

(b) Content of Report.-Each report under subsection (a) shall include the following:

(1) A complete list, by specific program element, of the existing, planned, or newly proposed capabilities and technologies reviewed by the Review Committee pursuant to subsection (c) of the Review Committee charter.

(2) A complete description of the requirements and priorities established by the Review Committee.

(3) A comprehensive discussion of the near-term, mid-term, and long-term programmatic options formulated by the Review Committee for meeting requirements prescribed by the Review Committee and for eliminating deficiencies identified by the Review Committee, including the annual funding requirements and completion dates established for each such option.

(4) An explanation of the recommendations made pursuant to subsection (c) of the Review Committee charter, together with a full discussion of the actions taken to implement such recommendations or otherwise taken on the recommendations.

(5) A discussion and assessment of the status of each Review Committee recommendation during the fiscal year preceding the fiscal year in which the report is submitted, including, particularly, the status of recommendations made during such preceding fiscal year that were reflected in the budget submitted to Congress pursuant to section 1105(a) of title 31, United States Code, in the fiscal year of the report.

(6) Each specific Department of Energy program that the Secretary of Energy plans to develop to initial operating capability and each such program that the Secretary does not plan to develop to initial operating capability.

(7) For each technology program scheduled to reach initial operational capability, a recommendation from the Chairman of the Joint Chiefs of Staff that represents the views of the commanders of the unified and specified commands regarding the utility and requirement of the program.

(c) Forms of Report.-Each such report shall be submitted in both unclassified and classified forms, including an annex to the classified report for special compartmented information programs, special access programs, and special activities programs.

#### SEC. 1504. AMOUNTS FOR COUNTERPROLIFERATION ACTIVITIES.

(a) Counterproliferation Activities.-Of the amount authorized to be appropriated in section 201(4), \$16,500,000 shall be available for counterproliferation activities.

(b) Limitation.-(1) Of the funds made available pursuant to subsection (a), \$4,000,000 may not be obligated until the Secretary of Defense submits to Congress a report on a proposed classified counterproliferation database system. The report shall provide-

(A) an assessment of current major databases and software capabilities of entities in the intelligence community and of national weapons laboratories and laboratories of the Armed Forces against capabilities defined in the proposed project; and

(B) an assessment of the technical feasibility of the proposed system, program plan, strategy, milestones and future year funding.

(2) No funds may be obligated for the database system described in the report until the Secretary of Defense and the Director of Central Intelligence enter into a written agreement concerning the program to develop that database system that provides-

(A) how funding for that program is to be divided between (i) the account of the National Foreign Intelligence Program, and (ii) Tactical Intelligence and Related Program accounts; and

(B) a plan for the sources of funds for, and the programmed amounts for, that program for fiscal years after fiscal year 1995.

(c) Education in Support of Counterproliferation Activities.-Of the amount authorized to be appropriated in section 301(5), not more than \$2,000,000 shall be available for providing education to members of the Armed Forces in matters relating to counterproliferation.

(d) Additional Authority To Transfer Authorizations.-(1) In addition to the transfer authority provided in section 1001, upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 1995 to counterproliferation programs, projects, and activities identified as areas for progress by the Counterproliferation Program Review Committee established by section 1605 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160, as

amended by section 1502. Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed \$100,000,000.

(3) The authority provided by this subsection to transfer authorizations-

(A) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(B) may not be used to provide authority for an item that has been denied authorization by Congress.

(4) A transfer made from one account to another under the authority of this subsection shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(5) The Secretary of Defense shall promptly notify Congress of transfers made under the authority of this subsection.

(e) Use of Funds for Technology Development.-(1) Of the funds authorized to be appropriated by section 201(4) for counterproliferation technology projects-

(A) up to \$5,000,000 shall be available for a program to detect, locate, and disarm weapons of mass destruction that are hidden by a hostile state or terrorist or terrorist group in a confined area outside the United States; and

(B) up to \$10,000,000 shall be available for the training program referred to in paragraph (3).

(2) The Secretary of Defense shall make funds available for the program referred to in paragraph (1)(A) in a manner that, to the maximum extent practicable, ensures the effective use of existing resources of the national weapons laboratories.

(3)(A) The training program referred to in paragraph (1)(B) is a training program carried out jointly by the Secretary of Defense and the Director of the Federal Bureau of Investigation in order to expand and improve United States efforts to deter the possible proliferation and acquisition weapons of mass destruction by organized crime organizations in Eastern Europe, the Baltic countries, and states of the former Soviet Union.

(B) Of the funds available under paragraph (1)(B) for the program referred to in subparagraph (A), \$9,000,000 may not be obligated or expended for that program until the Secretary of Defense and the Director of the Federal Bureau of Investigation jointly submit to the congressional committees specified in subparagraph (C) a report that-

(i) identifies the nature and extent of the threat posed to the United States by the possible proliferation and acquisition of weapons of mass destruction by organized crime organizations in Eastern Europe, the Baltic countries, and states of the former Soviet Union;

(ii) assesses the actions that the United States should undertake in order to assist law enforcement agencies of Eastern Europe, the Baltic countries, and states of the former Soviet Union in the efforts of such agencies to prevent and deter the theft of nuclear weapons material; and

(iii) contains an estimate of-

(I) the cost of undertaking such actions, including the costs of personnel, support equipment, and training;

(II) the time required to commence the carrying out of the program referred to in paragraph (1)(B); and

(III) the amount of funds, if any, that will be required in fiscal years after fiscal year 1995 in order to carry out the program.

(C) The congressional committees referred to in this subparagraph are the following:



(i) The Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives.

(ii) The Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.

#### SEC. 1505. STUDIES RELATING TO UNITED STATES COUNTERPROLIFERATION POLICY.

(a) Extension of Authority.-Subsection (a) of section 1603 of the National Defense Authorization Act for Fiscal Year 1994 (22 U.S.C. 5859a; 107 Stat. 1843) is amended by striking out "During fiscal year 1994, the Secretary" and inserting in lieu thereof "The Secretary".

(b) Revision of Reporting Requirement.-Such section is further amended-

(1) by striking out subsections (d) and (e);

(2) by redesignating subsection (f) as subsection (d); and

(3) in subsection (d) (as so redesignated)-

(A) by striking "and not later than October 30 of each year"; and

(B) by striking out "six-month" and inserting in lieu thereof "twelve-month".

(c) Fiscal Year 1995 Amount.-Of the funds authorized to be appropriated by section 201(4) for technical studies, support, and analysis (PE 605104D), up to \$2,000,000 shall be available for studies relating to United States counterproliferation policy.

#### SEC. 1506. RESTRICTION RELATING TO SUBMISSION OF REPORT ON PROLIFERATION OF FOREIGN MILITARY SATELLITES.

None of the funds available to the Department of Defense may be expended for travel by the Assistant Secretary of Defense for International Security Policy until the Secretary of Defense submits to Congress the report required by section 1363 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2560).

#### SEC. 1507. LIMITATION ON FUNDS FOR STUDIES PENDING RECEIPT OF PREVIOUSLY REQUIRED REPORT.

(a) Limitation.-Of the total amount specified in section 1505 for counterproliferation activities for fiscal year 1995, \$1,000,000 shall be withheld from obligation until the report described in subsection (b) has been submitted to Congress.

(b) Report.-The report referred to in subsection (a) is the report required to be submitted to Congress not later than May 30, 1994, pursuant to section 1422 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1829).

#### SEC. 1508. SENSE OF CONGRESS CONCERNING INDEFINITE EXTENSION OF NUCLEAR NON-PROLIFERATION TREATY.

(a) Findings.-Congress makes the following findings:

(1) The Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, D.C., London, and Moscow on July 1, 1968, is the centerpiece of global efforts to prevent the spread of nuclear weapons.

(2) The United States has demonstrated longstanding support for that treaty and related efforts to prevent the spread of nuclear weapons.

(3) President Clinton has declared that preventing the spread of nuclear weapons is one of the highest priorities of his Administration.

(4) In April 1995, the parties to the Treaty on the Non-Proliferation of Nuclear Weapons will convene a conference in New York City to discuss the indefinite extension of the treaty.

(5) The policy of the President is to seek at that conference the indefinite and unconditional extension of that treaty.

(b) Sense of Congress.-It is the sense of Congress that-

(1) the President has the full support of Congress in seeking the indefinite and unconditional extension of the Treaty on the Non-Proliferation of Nuclear Weapons;

(2) the President, when formulating and implementing other elements of nonproliferation policy of the United States (including United States counterproliferation doctrine, the Nuclear Posture Review, and nuclear testing policy), should take into account the objectives of the United States at the 1995 conference of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons; and

(3) the President and the President's senior national security advisers should dedicate themselves to ensuring the indefinite and unconditional extension of the Treaty on the Non-Proliferation of Nuclear Weapons at the 1995 conference for that treaty.

#### SEC. 1509. NEGOTIATION OF LIMITATIONS ON NUCLEAR WEAPONS TESTING.

(a) Findings.-Congress makes the following findings:

(1) On January 25, 1994, the United States and 37 other nations began negotiations for a comprehensive treaty to ban permanently all nuclear weapons testing.

(2) On March 14, 1994, the President extended the current United States moratorium on nuclear weapons testing through September 1995.

(3) The United States is seeking to extend indefinitely the Treaty on the Non-Proliferation of Nuclear Weapons at the conference of the parties to the Treaty to be held in New York City in April 1995.

(4) Conclusion of a comprehensive nuclear test ban treaty could contribute toward successful negotiations to extend the Treaty on the Non-Proliferation of Nuclear Weapons.

(5) Agreements to eliminate nuclear weapons testing and to control the spread of nuclear weapons could contribute to the national security of the United States, its allies, and other nations around the world.

(b) Statement of Congressional Policy.-In view of the findings set forth in subsection (a), Congress-

(1) applauds the President for maintaining the United States moratorium on nuclear weapons testing and for taking a leadership role toward negotiation of a comprehensive nuclear test ban treaty;

(2) encourages all nuclear powers to refrain from conducting nuclear explosions, before the conclusion of a comprehensive nuclear test ban treaty; and

(3) urges the Conference on Disarmament to make all possible progress toward a comprehensive nuclear test ban treaty by the end of 1994.

### TITLE XVI-RESERVE OFFICER PERSONNEL MANAGEMENT ACT (ROPMA)

#### SEC. 1601. SHORT TITLE.

This title may be cited as the "Reserve Officer Personnel Management Act".

#### SEC. 1602. REFERENCES TO TITLE 10, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 10, United States Code.

### SUBTITLE A-RESERVE OFFICER PERSONNEL MANAGEMENT

#### PART I-REVISED AND STANDARDIZED RESERVE OFFICER PERSONNEL SYSTEM

SEC. 1611. PROMOTION AND RETENTION OF RESERVE OFFICERS.

Title 10, United States Code, is amended by adding at the end the following new subtitle:

"SUBTITLE E-RESERVE COMPONENTS

"PART I-ORGANIZATION AND ADMINISTRATION

"Chap.	Sec.
"1001. Definitions	10001
"1003. Reserve Components Generally	10101
"1005. Elements of Reserve Components	10141
"1007. Administration of Reserve Components	10201
"1009. Reserve Forces Policy Boards and Committees	10301
"1011. National Guard Bureau	10501
"1013. Budget Information and Annual Reports to Congress	10541

"PART II-PERSONNEL GENERALLY

"1201. Authorized Strengths and Distribution in Grade	12001
"1203. Enlisted Members	12101
"1205. Appointment of Reserve Officers	12201
"1207. Warrant Officers	12241
"1209. Active Duty	12301
"1211. National Guard Members in Federal Service	12401
"1213. Special Appointments, Assignments, Details, and Duties	12501
"1215. Miscellaneous Prohibitions and Penalties .....	[No present sections]
"1217. Miscellaneous Rights and Benefits	12601
"1219. Standards and Procedures for Retention and Promotion	12641
"1221. Separation	12681
"1223. Retired Pay for Non-Regular Service	12731
"1225. Retired Grade	12771

"PART III-PROMOTION AND RETENTION OF OFFICERS ON THE RESERVE ACTIVE-STATUS  
LIST

"1401. Applicability and Reserve Active-Status Lists	14001
"1403. Selection Boards	14101
"1405. Promotions	14301
"1407. Failure of Selection for Promotion and Involuntary Separation	14501
"1409. Continuation of Officers on the Reserve-Active Status List and Selective Early Removal	14701
"1411. Additional Provisions Relating to Involuntary Separation	14901

"PART IV-TRAINING FOR RESERVE COMPONENTS AND EDUCATIONAL ASSISTANCE  
PROGRAMS

"1601. Training Generally [No present sections]	
"1606. Educational Assistance for Members of the Selected Reserve	16131
"1608. Health Professions Stipend Program	16201
"1609. Education Loan Repayments	16301

"PART V-SERVICE, SUPPLY, AND PROCUREMENT

"1801. Issue of Serviceable Material to Reserve Components [No present sections]	
"1803. Facilities for Reserve Components	18231
"1805. Miscellaneous Provisions	18501

"PART III-PROMOTION AND RETENTION OF OFFICERS ON THE RESERVE ACTIVE-STATUS  
LIST

"Chap.	Sec.
"1401. Applicability and Reserve Active-Status Lists	14001
"1403. Selection Boards	14101
"1405. Promotions	14301
"1407. Failure of Selection for Promotion and Involuntary Separation	14501
"1409. Continuation of Officers on the Reserve Active-Status List and Selective Early Removal	14701
"1411. Additional Provisions Relating to Involuntary Separation	14901

## "CHAPTER 1401-APPLICABILITY AND RESERVE ACTIVE-STATUS LISTS

"Sec.

"14001. Applicability of this part.

"14002. Reserve active-status lists: requirement for each armed force.

"14003. Reserve active-status lists: position of officers on the list.

"14004. Reserve active-status lists: eligibility for Reserve promotion.

"14005. Competitive categories.

"14006. Determination of years in grade.

"§14001. Applicability of this part

"This chapter and chapters 1403 through 1411 of this title apply, as appropriate, to all reserve officers of the Army, Navy, Air Force, and Marine Corps except warrant officers.

"§14002. Reserve active-status lists: requirement for each armed force

"(a) The Secretary of each military department shall maintain a single list, to be known as the reserve active-status list, for each armed force under the Secretary's jurisdiction. That list shall include the names of all reserve officers of that armed force who are in an active status other than those on an active-duty list described in section 620 of this title or warrant officers (including commissioned warrant officers).

"(b) The reserve active-status list for the Army shall include officers in the Army Reserve and the Army National Guard of the United States. The reserve active-status list for the Air Force shall include officers in the Air Force Reserve and the Air National Guard of the United States. The Secretary of the Navy shall maintain separate lists for the Naval Reserve and the Marine Corps Reserve.

"§14003. Reserve active-status: position of officers on the list

"(a) Position on List.-Officers shall be carried on the reserve active-status list of the armed force of which they are members in the order of seniority of the grade in which they are serving in an active status. Officers serving in the same grade shall be carried in the order of their rank in that grade.

"(b) Effect on Position Held by Reason of Temporary Appointment or Assignment.-An officer whose position on the reserve active-status list results from service under a temporary appointment or in a grade held by reason of assignment to a position has, when that appointment or assignment ends, the grade and position on that list that the officer would have held if the officer had not received that appointment or assignment.

"§14004. Reserve active-status lists: eligibility for Reserve promotion

"Except as otherwise provided by law, an officer must be on a reserve active-status list to be eligible under chapter 1405 of this title for consideration for selection for promotion or for promotion.

"§14005. Competitive categories

"Each officer whose name appears on a reserve active-status list shall be placed in a competitive category. The competitive categories for each armed force shall be specified by the Secretary of the military

department concerned under regulations prescribed by the Secretary of Defense. Officers in the same competitive category shall compete among themselves for promotion.

"§14006. Determination of years in grade

"For the purpose of chapters 1403 through 1411 of this title, an officer's years of service in a grade are computed from the officer's date of rank in grade as determined under section 741(d) of this title.

#### "CHAPTER 1403-SELECTION BOARDS

"Sec.

"14101. Convening of selection boards.

"14102. Selection boards: appointment and composition.

"14103. Oath of members.

"14104. Confidentiality of board proceedings.

"14105. Notice of convening of selection board.

"14106. Communication with board by officers under consideration.

"14107. Information furnished by the Secretary concerned to promotion boards.

"14108. Recommendations by promotion boards.

"14109. Reports of promotion boards: in general.

"14110. Reports of promotion boards: review by Secretary.

"14111. Reports of selection boards: transmittal to President.

"14112. Dissemination of names of officers selected.

"§14101. Convening of selection boards

"(a) Promotion Boards.-(1) Whenever the needs of the Army, Navy, Air Force, or Marine Corps require, the Secretary concerned shall convene a selection board to recommend for promotion to the next higher grade, under chapter 1405 of this title, officers on the reserve active-status list of that armed force in a permanent grade from first lieutenant through brigadier general or, in the case of the Naval Reserve, lieutenant (junior grade) through rear admiral (lower half). A selection board convened under this subsection shall be known as a 'promotion board'.

"(2) A promotion board convened to recommend reserve officers of the Army or reserve officers of the Air Force for promotion (A) to fill a position vacancy under section 14315 of this title, or (B) to the grade of brigadier general or major general, shall (except in the case of a board convened to consider officers as provided in section 14301(e) of this title) be known as a 'vacancy promotion board'. Any other promotion board convened under this subsection shall be known as a 'mandatory promotion board'.

"(b) Continuation Boards.-Whenever the needs of the Army, Navy, Air Force, or Marine Corps require, the Secretary concerned may convene a selection board to recommend officers of that armed force-

"(1) for continuation on the reserve active-status list under section 14701 of this title;

"(2) for selective early removal from the reserve active-status list under section 14704 of this title; or

"(3) for selective early retirement under section 14705 of this title.

A selection board convened under this subsection shall be known as a 'continuation board'.

"§14102. Selection boards: appointment and composition

"(a) Appointment.-Members of selection boards convened under section 14101 of this title shall be appointed by the Secretary of the military department concerned in accordance with this section. Promotion boards and special selection boards shall consist of five or more officers. Continuation boards shall consist of three or more officers. All of the officers of any such selection board shall be of the same armed force as the officers under consideration by the board.

"(b) Composition.-At least one-half of the members of such a selection board shall be reserve officers, to include at least one reserve officer from each reserve component from which officers are to be considered by the board. Each member of a selection board must hold a permanent grade higher than the grade of the officers under consideration by the board, and no member of a board may hold a grade below major or lieutenant commander.

"(c) Representation of Competitive Categories.-(1) Except as provided in paragraph (2), a selection board shall include at least one officer from each competitive category of officers to be considered by the board.

"(2) A selection board need not include an officer from a competitive category to be considered by the board if there is no officer of that competitive category on the reserve active-status list or the active-duty list in a permanent grade higher than the grade of the officers to be considered by the board and otherwise eligible to serve on the board. However, in such a case, the Secretary of the military department concerned, in his discretion, may appoint as a member of the board a retired officer of that competitive category who is in the same armed force as the officers under consideration by the board who holds a higher grade than the grade of the officers under consideration.

"(d) Prohibition of Service on Consecutive Promotion Boards.-No officer may be a member of two successive promotion boards convened under section 14101(a) of this title for the consideration of officers of the same competitive category and grade if the second of the two boards is to consider any officer who was considered and not recommended for promotion to the next higher grade by the first of the two boards.

#### "§14103. Oath of members

"Each member of a selection board convened under section 14101 of this title shall take an oath to perform the duties of a member of the board without prejudice or partiality, having in view both the special fitness of officers and the efficiency of the member's armed force.

#### "§14104. Confidentiality of board proceedings

"Except as otherwise authorized or required by law, the proceedings of a selection board convened under section 14101 of this title may not be disclosed to any person not a member of the board.

#### "§14105. Notice of convening of promotion board

"(a) Required Notice.-At least 30 days before a promotion board is convened under section 14101(a) of this title to consider officers in a grade and competitive category for promotion to the next higher grade, the Secretary concerned shall either (1) notify in writing the officers eligible for consideration by the board for promotion regarding the convening of the board, or (2) issue a general written notice to the armed force concerned regarding the convening of the board.

"(b) Content of Notice.-A notice under subsection (a) shall include the date on which the board is to convene and (except in the case of a vacancy promotion board) the name and date of rank of the junior officer, and of the senior officer, in the promotion zone as of the date of the notice.

#### "§14106. Communication with board by officers under consideration

"Subject to regulations prescribed by the Secretary of the military department concerned, an officer eligible for consideration by a promotion board convened under section 14101(a) of this title who is in the

promotion zone or above the promotion zone, or who is to be considered by a vacancy promotion board, may send a written communication to the board calling attention to any matter concerning the officer which the officer considers important to the officer's case. Any such communication shall be sent so as to arrive not later than the date on which the board convenes. The board shall give consideration to any timely communication under this section.

"§14107. Information furnished by the Secretary concerned to promotion boards

"(a) Integrity of the Promotion Selection Board Process.-(1) The Secretary of Defense shall prescribe regulations governing information furnished to selection boards convened under section 14101(a) of this title. Those regulations shall apply uniformly among the military departments. Any regulations prescribed by the Secretary of a military department to supplement those regulations may not take effect without the approval of the Secretary of Defense in writing.

"(2) No information concerning a particular eligible officer may be furnished to a selection board except for the following:

"(A) Information that is in the officer's official military personnel file and that is provided to the selection board in accordance with the regulations prescribed by the Secretary of Defense pursuant to paragraph (1).

"(B) Other information that is determined by the Secretary of the military department concerned, after review by that Secretary in accordance with standards and procedures set out in the regulations prescribed by the Secretary of Defense pursuant to paragraph (1), to be substantiated, relevant information that could reasonably and materially affect the deliberations of the promotion board.

"(C) Subject to such limitations as may be prescribed in those regulations, information communicated to the board by the officer in accordance with this section, section 14106 of this title (including any comment on information referred to in subparagraph (A) regarding that officer), or other applicable law.

"(D) A factual summary of the information described in subparagraphs (A), (B), and (C) that, in accordance with the regulations prescribed pursuant to paragraph (1) is prepared by administrative personnel for the purpose of facilitating the work of the selection board.

"(3) Information provided to a promotion board in accordance with paragraph (2) shall be made available to all members of the board and shall be made a part of the record of the board. Communication of such information shall be in a written form or in the form of an audio or video recording. If a communication is in the form of an audio or video recording, a written transcription of the recording shall also be made a part of the record of the promotion board.

"(4) Paragraphs (2) and (3) do not apply to the furnishing of appropriate administrative processing information to the promotion board by an administrative staff designated to assist the board, but only to the extent that oral communications are necessary to facilitate the work of the board.

"(5) Information furnished to a promotion board that is described in subparagraph (B), (C), or (D) of paragraph (2) may not be furnished to a later promotion board unless-

"(A) the information has been properly placed in the official military personnel file of the officer concerned; or

"(B) the information is provided to the later selection board in accordance with paragraph (2).

"(6)(A) Before information described in paragraph (2)(B) regarding an eligible officer is furnished to a selection board, the Secretary of the military department concerned shall ensure-

"(i) that such information is made available to such officer; and

"(ii) that the officer is afforded a reasonable opportunity to submit comments on that information to the promotion board.

"(B) If an officer cannot be given access to the information referred to in subparagraph (A) because of its classification status, the officer shall, to the maximum extent practicable, be furnished an appropriate summary of the information.

"(b) Information To Be Furnished.-The Secretary of the military department concerned shall furnish to a promotion board convened under section 14101(a) of this title the following:

"(1) In the case of a mandatory promotion board, the maximum number (as determined in accordance with section 14307 of this title) of officers in each competitive category under consideration that the board is authorized to recommend for promotion to the next higher grade.

"(2) The name of each officer in each competitive category under consideration who is to be considered by the board for promotion.

"(3) The pertinent records (as determined by the Secretary) of each officer whose name is furnished to the board.

"(4) Information or guidelines relating to the needs of the armed force concerned for officers having particular skills, including (except in the case of a vacancy promotion board) guidelines or information relating to either a minimum number or a maximum number of officers with particular skills within a competitive category.

"(5) Such other information or guidelines as the Secretary concerned may determine to be necessary to enable the board to perform its functions.

"(c) Limitation on Modifying Furnished Information.-Information or guidelines furnished to a selection board under subsection (a) may not be modified, withdrawn, or supplemented after the board submits its report to the Secretary of the military department concerned pursuant to section 14109(a) of this title. However, in the case of a report returned to a board pursuant to section 14110(a) of this title for further proceedings because of a determination by the Secretary of the military department concerned that the board acted contrary to law, regulation, or guidelines, the Secretary may modify, withdraw, or supplement such information or guidelines as part of a written explanation to the board as provided in that section.

"(d) Officers in Health-Professions Competitive Categories.-The Secretary of each military department, under uniform regulations prescribed by the Secretary of Defense, shall include in guidelines furnished to a promotion board convened under section 14101(a) of this title that is considering officers in a health-professions competitive category for promotion to a grade below colonel or, in the case of officers of the Naval Reserve, captain, a direction that the board give consideration to an officer's clinical proficiency and skill as a health professional to at least as great an extent as the board gives to the officer's administrative and management skills.

#### "§14108. Recommendations by promotion boards

"(a) Recommendation of Best Qualified Officers.-A promotion board convened under section 14101(a) of this title shall recommend for promotion to the next higher grade those officers considered by the board whom the board considers best qualified for promotion within each competitive category considered by the board or, in the case of a vacancy promotion board, among those officers considered to fill a vacancy. In determining those officers who are best qualified for promotion, the board shall give due consideration to the needs of the armed force concerned for officers with particular skills (as noted in the guidelines or information furnished the board under sections 14107 of this title).

"(b) Majority Required.-A promotion board convened under section 14101(a) of this title may not recommend an officer for promotion unless-

"(1) the officer receives the recommendation of a majority of the members of the board; and

"(2) a majority of the members of the board finds that the officer is fully qualified for promotion.

"(c) Board Recommendation Required for Promotion.-Except as otherwise provided by law, an officer on the reserve active-status list may not be promoted to a higher grade under chapter 1405 of this title unless the officer is considered and recommended for promotion to that grade by a promotion board



convened under section 14101(a) of this title (or by a special selection board convened under section 14502 of this title).

"(d) Disclosure of Board Recommendations.-The recommendations of a promotion board may be disclosed only in accordance with regulations prescribed by the Secretary of Defense. Those recommendations may not be disclosed to a person not a member of the board (or a member of the administrative staff designated by the Secretary concerned to assist the board) until the written report of the recommendations of the board, required by section 14109 of this title, is signed by each member of the board.

"(e) Prohibition of Coercion and Unauthorized Influence of Actions of Board Members.-The Secretary convening a promotion board under section 14101(a) of this title, and an officer or other official exercising authority over any member of a selection board, may not-

"(1) censure, reprimand, or admonish the selection board or any member of the board with respect to the recommendations of the board or the exercise of any lawful function within the authorized discretion of the board; or

"(2) attempt to coerce or, by any unauthorized means, influence any action of a promotion board or any member of a promotion board in the formulation of the board's recommendations.

"§14109. Reports of promotion boards: in general

"(a) Report of Officers Recommended for Promotion.-Each promotion board convened under section 14101(a) of this title shall submit to the Secretary of the military department concerned a report in writing containing a list of the names of the officers recommended by the board for promotion. The report shall be signed by each member of the board.

"(b) Certification.-Each report under subsection (a) shall include a certification-

"(1) that the board has carefully considered the record of each officer whose name was furnished to the board; and

"(2) that, in the case of a promotion board convened under section 14101(a) of this title, in the opinion of a majority of the members of the board, the officers recommended for promotion by the board are best qualified for promotion to meet the needs of the armed force concerned (as noted in the guidelines or information furnished the board under section 14107 of this title) among those officers whose names were furnished to the selection board.

"(c) Show-Cause Recommendations.- (1) A promotion board convened under section 14101(a) of this title shall include in its report to the Secretary concerned the name of any reserve officer before it for consideration for promotion whose record, in the opinion of a majority of the members of the board, indicates that the officer should be required to show cause for retention in an active status.

"(2) If such a report names an officer as having a record which indicates that the officer should be required to show cause for retention, the Secretary concerned may provide for the review of the record of that officer as provided under regulations prescribed under section 14902 of this title.

"§14110. Reports of promotion boards: review by Secretary

"(a) Review of Report.-Upon receipt of the report of a promotion board submitted under section 14109(a) of this title, the Secretary of the military department concerned shall review the report to determine whether the board has acted contrary to law or regulation or to guidelines furnished the board under section 14107(a) of this title. Following that review, unless the Secretary concerned makes a determination as described in subsection (b), the Secretary shall submit the report as required by section 14111 of this title.

"(b) Return of Report for Further Proceedings.-If, on the basis of a review of the report under subsection (a), the Secretary of the military department concerned determines that the board acted contrary to law or regulation or to guidelines furnished the board under section 14107(a) of this title, the Secretary shall return the report, together with a written explanation of the basis for such determination, to the board for further proceedings. Upon receipt of a report returned by the Secretary concerned under this subsection, the selection board (or a subsequent selection board convened under section 14101(a) of this title for the same grade and competitive category) shall conduct such proceedings as may be necessary in order to revise the report to be consistent with law, regulation, and such guidelines and shall resubmit the report, as revised, to the Secretary in accordance with section 14109 of this title.

#### "§14111. Reports of selection boards: transmittal to President

"(a) Transmittal to President.-The Secretary concerned, after final review of the report of a selection board under section 14110 of this title, shall submit the report with the Secretary's recommendations, to the Secretary of Defense for transmittal by the Secretary to the President for approval or disapproval. If the authority of the President to approve or disapprove the report of a promotion board is delegated to the Secretary of Defense, that authority may not be redelegated except to an official in the Office of the Secretary of Defense.

"(b) Removal of Name From Board Report.-The name of an officer recommended for promotion by a selection board may be removed from the report of the selection board only by the President.

"(c) Recommendations for Removal of Selected Officers From Report.-If the Secretary of a military department or the Secretary of Defense makes a recommendation under this section that the name of an officer be removed from the report of a promotion board and the recommendation is accompanied by information that was not presented to that promotion board, that information shall be made available to that officer. The officer shall then be afforded a reasonable opportunity to submit comments on that information to the officials making the recommendation and the officials reviewing the recommendation. If an eligible officer cannot be given access to such information because of its classification status, the officer shall, to the maximum extent practicable, be provided with an appropriate summary of the information.

#### "§14112. Dissemination of names of officers selected

"Upon approval by the President of the report of a promotion board, the names of the officers recommended for promotion by the promotion board (other than any name removed by the President) may be disseminated to the armed force concerned. If those names have not been sooner disseminated, those names (other than the name of any officer whose promotion the Senate failed to confirm) shall be promptly disseminated to the armed force concerned upon confirmation by the Senate.

### "CHAPTER 1405-PROMOTIONS

"Sec.

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"§14301. Eligibility for consideration for promotion: general rules

"(a) One-Year Rule.-An officer is eligible under this chapter for consideration for promotion by a promotion board convened under section 14101(a) of this title only if-

"(1) the officer is on the reserve active-status list of the Army, Navy, Air Force, or Marine Corps; and

"(2) during the one-year period ending on the date of the convening of the promotion board the officer has continuously performed service on either the reserve active-status list or the active-duty list (or on a combination of both lists).

"(b) Requirement for Consideration of All Officers In and Above the Zone.-Whenever a promotion board (other than a vacancy promotion board) is convened under section 14101(a) of this title for consideration of officers in a competitive category who are eligible under this chapter for consideration for promotion to the next higher grade, each officer in the promotion zone, and each officer above the promotion zone, for that grade and competitive category shall be considered for promotion.

"(c) Previously Selected Officers Not Eligible To Be Considered.-A promotion board convened under section 14101(a) of this title may not consider for promotion to the next higher grade-

"(1) an officer whose name is on a promotion list for that grade as a result of recommendation for promotion to that grade by an earlier selection board convened under that section or section 14502 of this title or under chapter 36 of this title;

"(2) an officer who has been approved for Federal recognition by a board convened under section 307 of title 32 and nominated by the President for promotion to the next higher grade as a reserve of the Army or of the Air Force as the case may be; or

"(3) an officer who has been nominated by the President for promotion to the next higher grade under any other provision of law.

"(d) Officers Below the Zone.-The Secretary of the military department concerned may, by regulation, prescribe procedures to limit the officers to be considered by a selection board from below the promotion zone to those officers who are determined to be exceptionally well qualified for promotion. The regulations shall include criteria for determining which officers below the promotion zone are exceptionally well qualified for promotion.

"(e) Reserve Officers of the Army; Consideration for Brigadier General and Major General.-In the case of officers of the Army, if the Secretary of the Army determines that vacancies are authorized or anticipated in the reserve grades of major general or brigadier general for officers who are on the reserve active-status list and who are not assigned to units organized to serve as a unit and the Secretary convenes a mandatory promotion board under section 14101(a) of this title to consider officers for promotion to fill such vacancies, the Secretary may limit the officers to be considered by that board to those determined to be exceptionally well qualified for promotion under such criteria and procedures as the Secretary may by regulation prescribe.

"(f) Certain Reserve Officers of the Air Force.-A reserve officer of the Air Force who (1) is in the Air National Guard of the United States and holds the grade of lieutenant colonel, colonel, or brigadier general, or (2) is in the Air Force Reserve and holds the grade of colonel or brigadier general, is not eligible

for consideration for promotion by a mandatory promotion board convened under section 14101(a) of this title.

"(g) Nonconsideration of Officers Scheduled for Removal From Reserve Active-Status List.-The Secretary of the military department concerned may, by regulation, provide for the exclusion from consideration for promotion by a promotion board of any officer otherwise eligible to be considered by the board who has an established date for removal from the reserve active-status list that is not more than 90 days after the date on which the selection board for which the officer would otherwise be eligible is to be convened.

"§14302. Promotion zones

"(a) Promotion Zones Generally.-For purposes of this chapter, a promotion zone is an eligibility category for the consideration of officers by a mandatory promotion board. A promotion zone consists of those officers on the reserve active-status list who are in the same grade and competitive category and who meet the requirements of both paragraphs (1) and (2) or the requirements of paragraph (3), as follows:

"(1)(A) In the case of officers in grades below colonel, for reserve officers of the Army, Air Force, and Marine Corps, or captain, for officers of the Naval Reserve, those who have neither (i) failed of selection for promotion to the next higher grade, nor (ii) been removed from a list of officers recommended for promotion to that grade.

"(B) In the case of officers in the grade of colonel or brigadier general, for reserve officers of the Army and Marine Corps, or in the grade of captain or rear admiral (lower half), for reserve officers of the Navy, those who have neither (i) been recommended for promotion to the next higher grade when considered in the promotion zone, nor (ii) been removed from a list of officers recommended for promotion to that grade.

"(2) Those officers who are senior to the officer designated by the Secretary of the military department concerned to be the junior officer in the promotion zone eligible for consideration for promotion to the next higher grade and the officer so designated.

"(3) Those officers who-

"(A) have been selected from below the zone for promotion to the next higher grade or by a vacancy promotion board, but whose names were removed from the list of officers recommended for promotion to that next higher grade resulting from that selection;

"(B) have not failed of selection for promotion to that next higher grade; and

"(C) are senior to the officer designated by the Secretary of the military department concerned to be the junior officer in the promotion zone eligible for consideration for promotion to that next higher grade and the officer so designated.

"(b) Officers Above the Zone.-Officers on the reserve active-status list are considered to be above the promotion zone for a grade and competitive category if they-

"(1) are eligible for consideration for promotion to the next higher grade;

"(2) are in the same grade as those officers in the promotion zone for that competitive category;

and

"(3) are senior to the senior officer in the promotion zone for that competitive category.

"(c) Officers Below the Zone.-Officers on the reserve active-status list are considered to be below the promotion zone for a grade and competitive category if they-

"(1) are eligible for consideration for promotion to the next higher grade;                      "(2) are in the same grade as those officers in the promotion zone for that competitive category; and

"(3) are junior to the junior officer in the promotion zone for that competitive category.

"§14303. Eligibility for consideration for promotion: minimum years of service in grade

"(a) Officers in Pay Grades O-1 and O-2.-An officer who is on the reserve active-status list of the Army, Navy, Air Force, or Marine Corps and holds a permanent appointment in the grade of second lieutenant or first lieutenant as a reserve officer of the Army, Air Force, or Marine Corps, or in the grade of

ensign or lieutenant (junior grade) as a reserve officer of the Navy, may not be promoted to the next higher grade, or granted Federal recognition in that grade, until the officer has completed the following years of service in grade:

"(1) Eighteen months, in the case of an officer holding a permanent appointment in the grade of second lieutenant or ensign.

"(2) Two years, in the case of an officer holding a permanent appointment in the grade of first lieutenant or lieutenant (junior grade).

"(b) Officers in Pay Grades O-3 and Above.-Subject to subsection (d), an officer who is on the reserve active-status list of the Army, Air Force, or Marine Corps and holds a permanent appointment in a grade above first lieutenant, or who is on the reserve active-status list of the Navy in a grade above lieutenant (junior grade), may not be considered for selection for promotion to the next higher grade, or examined for Federal recognition in the next higher grade, until the officer has completed the following years of service in grade:

"(1) Three years, in the case of an officer of the Army, Air Force, or Marine Corps holding a permanent appointment in the grade of captain, major, or lieutenant colonel or in the case of a reserve officer of the Navy holding a permanent appointment in the grade of lieutenant, lieutenant commander, or commander.

"(2) One year, in the case of an officer of the Army, Air Force, or Marine Corps holding a permanent appointment in the grade of colonel or brigadier general or in the case of a reserve officer of the Navy holding a permanent appointment in the grade of captain or rear admiral (lower half).

This subsection does not apply to an adjutant general or assistant adjutant general of a State or to an appointment in a higher grade which is based upon a specific provision of law.

"(c) Authority To Lengthen Minimum Period in Grade.-The Secretary concerned may prescribe a period of service in grade for eligibility for promotion, in the case of officers to whom subsection (a) applies, or for eligibility for consideration for promotion, in the case of officers to whom subsection (b) applies, that is longer than the applicable period specified in that subsection.

"(d) Waivers To Ensure Two Below-the-Zone Considerations.-Subject to section 14307(b) of this title, the Secretary of the military department concerned may waive subsection (b) to the extent necessary to ensure that officers described in paragraph (1) of that subsection have at least two opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.

"§14304. Eligibility for consideration for promotion: maximum years of service in grade

"(a) Consideration for Promotion Within Specified Times.- (1) Officers described in paragraph (3) shall be placed in the promotion zone for that officer's grade and competitive category, and shall be considered for promotion to the next higher grade by a promotion board convened under section 14101(a) of this title, far enough in advance of completing the years of service in grade specified in the following table so that, if the officer is recommended for promotion, the promotion may be effective on or before the date on which the officer will complete those years of service.

"Current Grade	Maximum years of service in grade
"First lieutenant or Lieutenant (junior grade)	5 years
"Captain or Navy Lieutenant	7 years
"Major or Lieutenant commander	7 years

"(2) Paragraph (1) is subject to subsections (a), (b), and (c) of section 14301 of this title and applies without regard to vacancies.

"(3) Paragraph (1) applies to an officer who is on the reserve active-status list of the Army, Navy, Air Force, or Marine Corps and who holds a permanent appointment in the grade of first lieutenant, captain, or major as a reserve of the Army, Air Force, or Marine Corps, or to an officer on the reserve active-status

list of the Navy in the grade of lieutenant (junior grade), lieutenant, or lieutenant commander as a reserve of the Navy, and who, while holding that appointment, has not been considered by a selection board convened under section 14101(a) or 14502 of this title for promotion to the next higher grade.

"(b) Promotion Date.-An officer holding a permanent grade specified in the table in subsection (a) who is recommended for promotion to the next higher grade by a selection board the first time the officer is considered for promotion while in or above the promotion zone and who is placed on an approved promotion list established under section 14308(a) of this title shall (if not promoted sooner or removed from that list by the President or by reason of declination) be promoted, without regard to the existence of a vacancy, on the date on which the officer completes the maximum years of service in grade specified in subsection (a). The preceding sentence is subject to the limitations of section 12011 of this title.

"(c) Waiver Authority for Navy and Marine Corps Running Mate System.-If the Secretary of the Navy establishes promotion zones for officers on the reserve active-status list of the Navy or the Marine Corps Reserve in accordance with a running mate system under section 14306 of this title, the Secretary may waive the requirements of subsection (a) to the extent the Secretary considers necessary in any case in which the years of service for promotion, or for consideration for promotion, within those zones will exceed the maximum years of service in grade specified in subsection (a).

"§14305. Establishment of promotion zones: mandatory consideration for promotion

"(a) Establishment of Zone.-Before convening a mandatory promotion board under section 14101(a) of this title, the Secretary of the military department concerned shall establish a promotion zone for officers serving in each grade and competitive category to be considered by the board.

"(b) Number in the Zone.-The Secretary concerned shall determine the number of officers in the promotion zone for officers serving in any grade and competitive category from among officers who are eligible for promotion in that grade and competitive category under the provisions of sections 14303 and 14304 of this title and who are otherwise eligible for promotion.

"(c) Factors in Determining Number in the Zone.-The Secretary's determination under subsection (b) shall be made on the basis of an estimate of the following:

"(1) The number of officers needed in that competitive category in the next higher grade in each of the next five years.

"(2) In the case of a promotion zone for officers to be promoted to a grade to which the maximum years of in grade criteria established in section 14304 of this title apply, the number of officers in that competitive category who are required to be considered for selection for promotion to the next higher grade under that section.

"(3) The number of officers that should be placed in the promotion zone in each of the next five years to provide to officers in those years relatively similar opportunities for promotion.

"§14306. Establishment of promotion zones: Naval Reserve and Marine Corps Reserve running mate system

"(a) Authority of Secretary of the Navy.-The Secretary of the Navy may by regulation implement section 14305 of this title by requiring that the promotion zone for consideration of officers on the reserve active-status list of the Navy or the Marine Corps for promotion to the next higher grade be determined in accordance with a running mate system as provided in subsection (b).

"(b) Assignment of Running Mates.-An officer to whom a running mate system applies shall be assigned as a running mate an officer of the same grade on the active-duty list of the same armed force. The officer on the reserve active-status list is in the promotion zone and is eligible for consideration for promotion to the next higher grade by a selection board convened under section 14101(a) of this title when that officer's running mate is in or above the promotion zone established for that officer's grade under chapter 36 of this title.

"(c) Consideration of Officers Below the Zone Under a Running Mate System.-If the Secretary of the Navy authorizes the selection of officers for promotion from below the promotion zone in accordance with section 14307 of this title, the number of officers to be considered from below the zone may be established through the application of the running mate system or otherwise as the Secretary determines to be appropriate to meet the needs of the Navy or Marine Corps.

"§14307. Number of officers to be recommended for promotion

"(a) Determination of Maximum Number.-Before convening a promotion board under section 14101(a) of this title for a grade and competitive category (other than a vacancy promotion board), the Secretary of the military department concerned, under regulations prescribed by the Secretary of Defense, shall determine the maximum number of officers in that grade and competitive category that the board may recommend for promotion. The Secretary shall make the determination under the preceding sentence of the maximum number that may be recommended with a view to having on the reserve active-status list a sufficient number of officers in each grade and competitive category to meet the needs of the armed force concerned for officers on that list. In order to make that determination, the Secretary shall determine (1) the number of positions needed to accomplish mission objectives which require officers of such competitive category in the grade to which the board will recommend officers for promotion, (2) the estimated number of officers needed to fill vacancies in such positions during the period in which it is anticipated that officers selected for promotion will be promoted, (3) the number of officers authorized by the Secretary of the military department concerned to serve on the reserve active-status list in the grade and competitive category under consideration, and (4) any statutory limitation on the number of officers in any grade or category (or combination thereof) authorized to be on the reserve active-status list.

"(b) Below-the-Zone Selections.-(1) The Secretary of the military department concerned may, when the needs of the armed force concerned require, authorize the consideration of officers in the grade of captain, major, or lieutenant colonel on the reserve active-status list of the Army or Air Force, in a grade above first lieutenant on the reserve active-status list of the Marine Corps, or in a grade above lieutenant (junior grade) on the reserve active-status list of the Navy, for promotion to the next higher grade from below the promotion zone.

"(2) When selection from below the promotion zone is authorized, the Secretary shall establish the number of officers that may be recommended for promotion from below the promotion zone in each competitive category to be considered. That number may not exceed the number equal to 10 percent of the maximum number of officers that the board is authorized to recommend for promotion in such competitive category, except that the Secretary of Defense may authorize a greater number, not to exceed 15 percent of the total number of officers that the board is authorized to recommend for promotion, if the Secretary of Defense determines that the needs of the armed force concerned so require. If the maximum number determined under this paragraph is less than one, the board may recommend one officer for promotion from below the promotion zone.

"(3) The number of officers recommended for promotion from below the promotion zone does not increase the maximum number of officers that the board is authorized to recommend for promotion under subsection (a).

"§14308. Promotions: how made

"(a) Promotion List.-When the report of a selection board convened under section 14101(a) or 14502 of this title is approved by the President, the Secretary of the military department concerned shall place the names of all officers selected for promotion within a competitive category on a single list for that competitive category, to be known as a promotion list, in the order of seniority of those officers on the reserve active-status list.

"(b) Promotion; How Made; Order.-(1) Officers on a promotion list for a competitive category shall be promoted in the manner specified in section 12203 of this title.

"(2) Officers on a promotion list for a competitive category shall be promoted to the next higher grade in accordance with regulations prescribed by the Secretary of the military department concerned. Except as provided in section 14311, 14312, or 14502(e) of this title or in subsection (d) or (e), promotions shall be made in the order in which the names of officers appear on the promotion list and after officers previously selected for promotion in that competitive category have been promoted.

"(3) Officers to be promoted to the grade of first lieutenant or lieutenant (junior grade) shall be promoted in accordance with regulations prescribed by the Secretary of the military department concerned.

"(c) Date of Rank.-(1) The date of rank of an officer appointed to a higher grade under this section is determined under section 741(d)(2) of this title.

"(2) Except as specifically authorized by law, a reserve officer is not entitled to additional pay or allowances if the effective date of the officer's promotion is adjusted to reflect a date earlier than the actual date of the officer's promotion.

"(d) Officers With Running Mates.-An officer to whom a running mate system applies under section 14306 of this title and who is selected for promotion is eligible for promotion to the grade for which selected when the officer who is that officer's running mate becomes eligible for promotion under chapter 36 of this title. The effective date of the promotion of that officer shall be the same as that of the officer's running mate in the grade to which the running mate is promoted.

"(e) Army Reserve and Air Force Reserve Promotions To Fill Vacancies.-Subject to this section and to section 14311(e) of this title, and under regulations prescribed by the Secretary of the military department concerned-

"(1) an officer in the Army Reserve or the Air Force Reserve who is on a promotion list as a result of selection for promotion by a mandatory promotion board convened under section 14101(a) of this title or a board convened under section 14502 or chapter 36 of this title may be promoted at any time to fill a vacancy in a position to which the officer is assigned; and

"(2) an officer in the Army Reserve or the Air Force Reserve who is on a promotion list as a result of selection for promotion by a vacancy promotion board convened under section 14101(a) of this title may be promoted at any time to fill the vacancy for which the officer was selected.

"(f) Effective Date of Promotion After Federal Recognition.-The effective date of a promotion of a reserve commissioned officer of the Army or the Air Force who is extended Federal recognition in the next higher grade in the Army National Guard or the Air National Guard under section 307 or 310 of title 32 shall be the date on which such Federal recognition in that grade is so extended.

"(g) Army and Air Force General Officer Promotions.-A reserve officer of the Army who is on a promotion list for promotion to the grade of brigadier general or major general as a result of selection by a vacancy promotion board may be promoted to that grade only to fill a vacancy in that grade in a unit of the Army Reserve that is organized to serve as a unit and that has attained the strength prescribed by the Secretary of the Army. A reserve officer of the Air Force who is on a promotion list for promotion to the grade of brigadier general or major general as a result of selection by a vacancy promotion board may be promoted to that grade only to fill a vacancy in the Air Force Reserve in that grade.

"§14309. Acceptance of promotion; oath of office

"(a) Acceptance.-An officer who is appointed to a higher grade under this chapter shall be considered to have accepted the appointment on the date on which the appointment is made unless the officer expressly declines the appointment or is granted a delay of promotion under section 14312 of this title.



"(b) Oath.-An officer who has served continuously since taking the oath of office prescribed in section 3331 of title 5 is not required to take a new oath upon appointment to a higher grade under this chapter.

"§14310. Removal of officers from a list of officers recommended for promotion

"(a) Removal by President.-The President may remove the name of any officer from a promotion list at any time before the date on which the officer is promoted.

"(b) Removal for Withholding of Senate Advice and Consent.-If the Senate does not give its advice and consent to the appointment to the next higher grade of an officer whose name is on a list of officers approved by the President for promotion (except in the case of promotions to a reserve grade to which appointments may be made by the President alone), the name of that officer shall be removed from the list.

"(c) Continued Eligibility for Promotion.-An officer whose name is removed from a list under subsection (a) or (b) continues to be eligible for consideration for promotion. If that officer is recommended for promotion by the next selection board convened for that officer's grade and competitive category and the officer is promoted, the Secretary of the military department concerned may, upon the promotion, grant the officer the same date of rank, the same effective date for the pay and allowances of the grade to which promoted, and the same position on the reserve active-status list, as the officer would have had if the officer's name had not been removed from the list.

"§14311. Delay of promotion: involuntary

"(a) Delay During Investigations and Proceedings.-(1) Under regulations prescribed by the Secretary of the military department concerned, the appointment of an officer to a higher grade may be delayed if any of the following applies before the date on which the appointment would otherwise be made:

"(A) Sworn charges against the officer have been received by an officer exercising general court-martial jurisdiction over the officer and the charges have not been disposed of.

"(B) An investigation is being conducted to determine whether disciplinary action of any kind should be brought against the officer.

"(C) A board of officers has been convened under section 14903 of this title to review the record of the officer.

"(D) A criminal proceeding in a Federal or State court of competent jurisdiction is pending against the officer.

"(2) If disciplinary action is not taken against the officer, if the charges against the officer are withdrawn or dismissed, if the officer is not separated by the Secretary of the military department concerned as the result of having been required to show cause for retention, or if the officer is acquitted of the charges, as the case may be, then (unless action to delay the officer's appointment to the higher grade has been taken under subsection (b)) the officer shall be retained on the promotion list, list of officers found qualified for Federal recognition, or list of officers nominated by the President to the Senate for appointment in a higher reserve grade and shall, upon promotion to the next higher grade, have the same date of rank, the same effective date for the pay and allowances of the grade to which promoted, and the same position on the reserve active-status list as the officer would have had if no delay had intervened, unless the Secretary concerned determines that the officer was unqualified for promotion for any part of the delay. If the Secretary makes such a determination, the Secretary may adjust such date of rank, effective date of pay and allowances, and position on the reserve active-status list as the Secretary considers appropriate under the circumstances.

"(b) Delay for Lack of Qualifications.-Under regulations prescribed by the Secretary of the military department concerned, the appointment of an officer to a higher grade may also be delayed if there is cause to believe that the officer is mentally, physically, morally, or professionally unqualified to perform the duties of the grade to which selected. If the Secretary concerned later determines that the officer is qualified for promotion to the higher grade, the officer shall be retained on the promotion list, the list of officers found qualified for Federal recognition, or list of officers nominated by the President to the Senate for appointment in a higher reserve grade, and shall, upon promotion to that grade, have the same date of rank, the same

effective date for pay and allowances of that grade, and the same position on the reserve active-status list as the officer would have had if no delay had intervened, unless the Secretary concerned determines that the officer was unqualified for promotion for any part of the delay. If the Secretary makes such a determination, the Secretary may adjust such date of rank, effective date of pay and allowances, and position on the reserve active-status list as the Secretary considers appropriate under the circumstances.

"(c) Notice to Officer.-(1) The appointment of an officer to a higher grade may not be delayed under subsection (a) or (b) unless the officer is given written notice of the grounds for the delay. The preceding sentence does not apply if it is impracticable to give the officer written notice before the date on which the appointment to the higher grade would otherwise take effect, but in such a case the written notice shall be given as soon as practicable.

"(2) An officer whose promotion is delayed under subsection (a) or (b) shall be given an opportunity to make a written statement to the Secretary of the military department concerned in response to the action taken. The Secretary shall give consideration to any such statement.

"(d) Maximum Length of Delay in Promotion.-The appointment of an officer to a higher grade may not be delayed under subsection (a) or (b) for more than six months after the date on which the officer would otherwise have been promoted unless the Secretary concerned specifies a further period of delay. An officer's appointment may not be delayed more than 90 days after final action has been taken in any criminal case against the officer in a Federal or State court of competent jurisdiction or more than 90 days after final action has been taken in any court-martial case against the officer. Except for court action, a promotion may not be delayed more than 18 months after the date on which the officer would otherwise have been promoted.

"(e) Delay Because of Limitations on Officer Strength in Grade or Duties to Which Assigned.-(1) Under regulations prescribed by the Secretary of Defense, the promotion of a reserve officer on the reserve active-status list who is serving on active duty, or who is on full-time National Guard duty for administration of the reserves or the National Guard, to a grade to which the strength limitations of section 12011 of this title apply shall be delayed if necessary to ensure compliance with those strength limitations. The delay shall expire when the Secretary determines that the delay is no longer required to ensure such compliance.

"(2) The promotion of an officer described in paragraph (1) shall also be delayed while the officer is on duty described in that paragraph unless the Secretary of the military department concerned, under regulations prescribed by the Secretary of Defense, determines that the duty assignment of the officer requires a higher grade than the grade currently held by the officer.

"(3) The date of rank and position on the reserve active-status list of a reserve officer whose promotion to or Federal recognition in the next higher grade was delayed under paragraph (1) or (2) solely as the result of the limitations imposed under the regulations prescribed by the Secretary of Defense or contained in section 12011 of this title shall be the date on which the officer would have been promoted to or recognized in the higher grade had such limitations not existed.

"(4) If an officer whose promotion is delayed under paragraph (1) or (2) completes the period of active duty or full-time National Guard duty that the officer is required by law or regulation to perform as a member of a reserve component, the officer may request release from active duty or full-time National Guard duty. If the request is granted, the officer's promotion shall be effective upon the officer's release from such duty. The date of rank and position on the reserve active-status list of the officer shall be the date the officer would have been promoted to or recognized in the higher grade had the limitations imposed under regulations prescribed by the Secretary of Defense contained in section 12011 of this title not existed. If an officer whose promotion is delayed under paragraph (1) or (2) has not completed the period of active duty or full-time National Guard duty that the officer is required by law or regulation to perform as a member of a reserve component, the officer may be retained on active duty or on full-time National Guard duty in the grade in which the officer was serving before the officer's being found qualified for Federal recognition or the officer's selection for the promotion until the officer completes that required period of duty.

"§14312. Delay of promotion: voluntary

"(a) Authority for Voluntary Delays.-(1) The Secretary of the military department concerned may, by regulation, permit delays of a promotion of an officer who is recommended for promotion by a mandatory selection board convened under section 14101(a) or a special selection board convened under section 14502 of this title at the request of the officer concerned. Such delays, in the case of any promotion, may extend for any period not to exceed three years from the date on which the officer would otherwise be promoted.

"(2) Regulations under this section shall provide that-

"(A) a request for such a delay of promotion must be submitted by the officer concerned before the delay may be approved; and

"(B) denial of such a request shall not be considered to be a failure of selection for promotion unless the officer declines to accept a promotion under circumstances set forth in subsection (c).

"(b) Effect of Approval of Request.-If a request for delay of a promotion under subsection (a) is approved, the officer's name shall remain on the promotion list during the authorized period of delay (unless removed under any other provision of law). Upon the end of the period of the authorized delay, or at any time during such period, the officer may accept the promotion, which shall be effective on the date of acceptance. Such an acceptance of a promotion shall be made in accordance with regulations prescribed under this section.

"(c) Effect of Declining a Promotion.-An officer's name shall be removed from the promotion list and, if the officer is serving in a grade below colonel or, in the case of the Navy, captain, the officer shall be considered to have failed of selection for promotion if any of the following applies:

"(1) The Secretary concerned has not authorized voluntary delays of promotion under subsection (a) to the grade concerned and the officer declines to accept an appointment to a higher grade.

"(2) The Secretary concerned has authorized voluntary delays of promotion under subsection (a), but has denied the request of the officer for a delay of promotion and the officer then declines to accept an appointment to a higher grade.

"(3) The Secretary concerned has approved the request of an officer for a delay of promotion and, upon the end of the period of delay authorized in accordance with regulations prescribed under subsection (a), the officer then declines to accept an appointment to a higher grade.

"§14313. Authority to vacate promotions to grade of brigadier general or rear admiral (lower half)

"(a) Authority.-The President may vacate the appointment of a reserve officer to the grade of brigadier general or rear admiral (lower half) if the period of time during which the officer has served in that grade after promotion to that grade is less than 18 months.

"(b) Effect of Promotion Being Vacated.-Except as provided in subsection (c), an officer whose promotion to the grade of brigadier general is vacated under this section holds the grade of colonel as a reserve of the armed force of which the officer is a member. An officer whose promotion to the grade of rear admiral (lower half) is vacated under this section holds the grade of captain in the Naval Reserve. Upon assuming the lower grade, the officer shall have the same position on the reserve active-status list as the officer would have had if the officer had not served in the higher grade.

"(c) Special Rule for Officers Serving as Adjutant General.-In the case of an officer serving as an adjutant general or assistant adjutant general whose promotion to the grade of brigadier general is vacated under this section, the officer then holds the reserve grade held by that officer immediately before the officer's appointment as adjutant general or assistant adjutant general.

"§14314. Army and Air Force commissioned officers: generals ceasing to occupy positions commensurate with grade; State adjutants general

"(a) General Officers.-Within 30 days after a reserve officer of the Army or the Air Force on the reserve active-status list in a general officer grade ceases to occupy a position commensurate with that grade (or commensurate with a higher grade), the Secretary concerned shall transfer or discharge the officer in accordance with whichever of the following the officer elects:

"(1) Transfer the officer in grade to the Retired Reserve, if the officer is qualified and applies for the transfer.

"(2) Transfer the officer in grade to the inactive status list of the Standby Reserve, if the officer is qualified.

"(3) Discharge the officer from the officer's reserve appointment and, if the officer is qualified and applies therefor, appoint the officer in the reserve grade held by the officer as a reserve officer before the officer's appointment in a general officer grade.

"(4) Discharge the officer from the officer's reserve appointment.

"(b) Adjutants General.-If a reserve officer who is federally recognized in the Army National Guard or the Air National Guard solely because of the officer's appointment as adjutant general or assistant adjutant general of a State ceases to occupy that position, the Secretary concerned, not later than 30 days after the date on which the officer ceases to occupy that position, shall-

"(1) withdraw that officer's Federal recognition; and

"(2) require that the officer-

"(A) be transferred in grade to the Retired Reserve, if the officer is qualified and applies for the transfer;

"(B) be discharged from the officer's reserve appointment and appointed in the reserve grade held by the officer as a reserve officer of the Air Force immediately before the appointment of that officer as adjutant general or assistant adjutant general, if the officer is qualified and applies for that appointment; or

"(C) be discharged from the officer's reserve appointment.

"(c) Credit for Service in Grade.-An officer who is appointed under subsection (a)(3) or (b)(2)(B) shall be credited with an amount of service in the grade in which appointed that is equal to the amount of prior service in an active status in that grade and in any higher grade.

#### "§14315. Position vacancy promotions: Army and Air Force officers

"(a) Officers Eligible for Consideration For Vacancy Promotions Below Brigadier General.-A reserve officer of the Army who is in the Army Reserve, or a Reserve officer of the Air Force who is in the Air Force Reserve, who is on the reserve active-status list in the grade of first lieutenant, captain, major, or lieutenant colonel is eligible for consideration for promotion to the next higher grade under this section if each of the following applies:

"(1) The officer is occupying or, as determined by the Secretary concerned, is available to occupy a position in the same competitive category as the officer and for which a grade higher than the one held by that officer is authorized.

"(2) The officer is fully qualified to meet all requirements for the position as established by the Secretary of the military department concerned.

"(3) The officer has held the officer's present grade for the minimum period of service prescribed in section 14303 of this title for eligibility for consideration for promotion to the higher grade.

"(b) Consideration for Vacancy Promotion to Brigadier General or Major General.-(1) A reserve officer of the Army who is in the Army Reserve and on the reserve active-status list in the grade of colonel or brigadier general may be considered for promotion to the next higher grade under this section if the officer (A) is assigned to the duties of a general officer of the next higher reserve grade in a unit of the Army Reserve organized to serve as a unit, (B) has held the officer's present grade for the minimum period of service prescribed in section 14303 of this title for eligibility for consideration for promotion to the higher grade, and (C) meets the standards for consideration prescribed by the Secretary of the Army.

"(2) A reserve officer of the Air Force who is in the Air Force Reserve and on the reserve active-status list in the grade of colonel or brigadier general may be considered for promotion to the next higher grade under this section if the officer (A) is assigned to the duties of a general officer of the next higher reserve grade, and (B) meets the standards for consideration prescribed by the Secretary of the Air Force.

"(c) Vacancy Promotion Boards.-Consideration for promotion under this section shall be by a vacancy promotion board convened under section 14101(a) of this title.

"(d) Effect of Nonselection.-An officer who is considered for promotion under this section and is not selected shall not be considered to have failed of selection for promotion.

"(e) Special Rule for Officers Failed of Selection.-A reserve officer of the Army or the Air Force who is considered as failed of selection for promotion under section 14501 of this title to a grade may be considered for promotion under this section or, if selected, promoted to that grade only if the Secretary of the military department concerned finds that the officer is the only qualified officer available to fill the vacancy. The Secretary concerned may not delegate the authority under the preceding sentence.

"§14316. Army National Guard and Air National Guard: appointment to and Federal recognition in a higher reserve grade after selection for promotion

"(a) Opportunity for Promotion To Fill a Vacancy in the Guard.-If an officer of the Army National Guard of the United States or the Air National Guard of the United States is recommended by a mandatory selection board convened under section 14101(a) or a special selection board convened under section 14502 of this title for promotion to the next higher grade, an opportunity shall be given to the appropriate authority of the State to promote that officer to fill a vacancy in the Army National Guard or the Air National Guard of that jurisdiction.

"(b) Automatic Federal Recognition.-An officer of the Army National Guard of the United States or the Air National Guard of the United States who is on a promotion list for promotion to the next higher grade as a result of selection for promotion as described in subsection (a) and who before the date of promotion is appointed in that higher grade to fill a vacancy in the Army National Guard or Air National Guard shall-

"(1) be extended Federal recognition in that grade, without the examination prescribed in section 307 of title 32; and

"(2) subject to section 14311(e) of this title, be promoted to that reserve grade effective on the date of the officer's appointment in that grade in the Army National Guard or Air National Guard.

"(c) National Guard Officers Failed of Selection.-An officer who is considered as failed of selection for promotion under section 14501 of this title to a grade may be extended Federal recognition in that grade only if the Secretary of the military department concerned finds that the officer is the only qualified officer available to fill a vacancy. The Secretary concerned may not delegate the authority under the preceding sentence.

"(d) Transfer to Army Reserve or Air Force Reserve.-If, on the date on which an officer of the Army National Guard of the United States or of the Air National Guard of the United States who is on a promotion list as described in subsection (a) is to be promoted, the officer has not been promoted to fill a vacancy in the higher grade in the Army National Guard or the Air National Guard, the officer's Federal recognition in the officer's reserve grade shall be withdrawn and the officer shall be promoted and transferred to the Army Reserve or the Air Force Reserve as appropriate.

"§14317. Officers in transition to and from the active-status list or active-duty list

"(a) Effect of Transfer to Inactive Status or Retired Status.-If a reserve officer on the reserve active-status list is transferred to an inactive status or to a retired status after having been recommended for promotion to a higher grade under this chapter or chapter 36 of this title, or after having been found qualified for Federal recognition in the higher grade under title 32, but before being promoted, the officer-

"(1) shall be treated as if the officer had not been considered and recommended for promotion by the selection board or examined and been found qualified for Federal recognition; and

"(2) may not be placed on a promotion list or promoted to the higher grade after returning to an active status,

unless the officer is again recommended for promotion by a selection board convened under chapter 36 of this title or section 14101(a) or 14502 of this title or examined for Federal recognition under title 32.

"(b) Effect of Placement on Active-Duty List.-A reserve officer who is on a promotion list as a result of selection for promotion by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502 of this title and who before being promoted is placed on the active-duty list of the same armed force and placed in the same competitive category shall, under regulations prescribed by the Secretary of Defense, be placed on an appropriate promotion list for officers on the active-duty list established under chapter 36 of this title.

"(c) Officers on a Promotion List Removed From Active-Duty List.-An officer who is on the active-duty list and is on a promotion list as the result of selection for promotion by a selection board convened under chapter 36 of this title and who before being promoted is removed from the active-duty list and placed on the reserve active-status list of the same armed force and in the same competitive category (including a regular officer who on removal from the active-duty list is appointed as a reserve officer and placed on the reserve active-status list) shall, under regulations prescribed by the Secretary of Defense, be placed on an appropriate promotion list established under this chapter.

"(d) Officers Selected for Position Vacancies.-If a reserve officer is ordered to active duty (other than active duty for training) or full-time National Guard duty (other than full-time National Guard duty for training only) after being recommended for promotion under section 14314 of this title to fill a position vacancy or examined for Federal recognition under title 32, and before being promoted to fill that vacancy, the officer shall not be promoted while serving such active duty or full-time National Guard duty unless the officer is ordered to active duty as a member of the unit in which the vacancy exists when that unit is ordered to active duty. If, under this subsection, the name of an officer is removed from a list of officers recommended for promotion, the officer shall be treated as if the officer had not been considered for promotion or examined for Federal recognition.

"(e) Under regulations prescribed by the Secretary of the military department concerned, a reserve officer who is not on the active-duty list and who is ordered to active duty in time of war or national emergency may, if eligible, be considered for promotion by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502 of this title for not more than two years from the date the officer is ordered to active duty unless the President suspends the operation of this section under the provisions of section 10213 or 644 of this title.

#### "CHAPTER 1407-FAILURE OF SELECTION FOR PROMOTION AND INVOLUNTARY SEPARATION

"Sec.

"14501. Failure of selection for promotion.

"14502. Special selection boards: correction of errors.

"14503. Discharge of officers with less than five years of commissioned service or found not qualified for promotion to first lieutenant or lieutenant (junior grade).

"14504. Effect of failure of selection for promotion: reserve first lieutenants of the Army, Air Force, and Marine Corps and reserve lieutenants (junior grade) of the Navy.

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"14507. Removal from the active-status list for years of service: reserve lieutenant colonels and colonels of the Army, Air Force, and Marine Corps and reserve commanders and captains of the Navy.  
"14508. Removal from the reserve active-status list for years of service: reserve general and flag officers.  
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"14512. Separation at age 64: officers holding certain offices.  
"14513. Separation for failure of selection of promotion.  
"14514. Discharge or retirement for years of service or after selection for early removal.  
"14515. Discharge or retirement for age.  
"14516. Separation to be considered involuntary.  
"14517. Entitlement of officers discharged under this chapter to separation pay.

"§14501. Failure of selection for promotion

"(a) An officer on the reserve active-status list in a grade below the grade of colonel or, in the case of an officer in the Naval Reserve, captain who is in or above the promotion zone established for that officer's grade and competitive category and who (1) is considered but not recommended for promotion (other than by a vacancy promotion board), or (2) declines to accept a promotion for which selected (other than by a vacancy promotion board), shall be considered to have failed of selection for promotion.

"(b) Officers Twice Failed of Selection.-An officer shall be considered for all purposes to have twice failed of selection for promotion if any of the following applies:

"(1) The officer is considered but not recommended for promotion a second time by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502(a) of this title.

"(2) The officer declines to accept a promotion for which recommended by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502(a) or 14502(b) of this title after previously failing of selection or after the officer's name was removed from the report of a selection board under section 14111(b) or from a promotion list under section 14310 of this title after recommendation for promotion by an earlier selection board described in subsection (a).

"(3) The officer's name has been removed from the report of a selection board under section 14111(b) or from a promotion list under section 14310 of this title after recommendation by a mandatory promotion board convened under section 14101(a) or by a special selection board convened under section 14502(a) or 14502(b) of this title and-

"(A) the officer is not recommended for promotion by the next mandatory promotion board convened under section 14101(a) or special selection board convened under section 14502(a) of this title for that officer's grade and competitive category; or

"(B) the officer's name is again removed from the report of a selection board under section 14111(b) or from a promotion list under section 14310 of this title.

"§14502. Special selection boards: correction of errors

"(a) Officers Not Considered Because of Administrative Error.-(1) In the case of an officer or former officer who the Secretary of the military department concerned determines was not considered for selection for promotion from in or above the promotion zone by a mandatory promotion board convened under section 14101(a) of this title because of administrative error, the Secretary concerned shall convene a special selection board under this subsection to determine whether such officer or former officer should be recommended for promotion. Any such board shall be convened under regulations prescribed by the Secretary of Defense and shall be appointed and composed in accordance with section 14102 of this title and shall include the representation of competitive categories required by that section. The members of a board

convened under this subsection shall be required to take an oath in the same manner as prescribed in section 14103 of this title.

"(2) A special selection board convened under this subsection shall consider the record of the officer or former officer as that record would have appeared to the promotion board that should have considered the officer or former officer. That record shall be compared with a sampling of the records of those officers of the same grade and competitive category who were recommended for promotion and those officers of the same grade and competitive category who were not recommended for promotion by that board.

"(3) If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer in a grade below the grade of colonel or, in the case of an officer or former officer of the Navy, captain, whose name was referred to it for consideration, the officer or former officer shall be considered to have failed of selection for promotion.

"(b) Officers Considered but Not Selected; Material Error.-(1) In the case of an officer or former officer who was eligible for promotion and was considered for selection for promotion from in or above the promotion zone under this chapter by a selection board but was not selected, the Secretary of the military department concerned may, under regulations prescribed by the Secretary of Defense, convene a special selection board under this subsection to determine whether the officer or former officer should be recommended for promotion, if the Secretary determines that-

"(A) the action of the selection board that considered the officer or former officer was contrary to law or involved material error of fact or material administrative error; or

"(B) the selection board did not have before it for its consideration material information.

"(2) A special selection board convened under paragraph (1) shall be appointed and composed in accordance with section 14102 of this title (including the representation of competitive categories required by that section), and the members of such a board shall take an oath in the same manner as prescribed in section 14103 of this title.

"(3) Such board shall consider the record of the officer or former officer as that record, if corrected, would have appeared to the selection board that considered the officer or former officer. That record shall be compared with a sampling of the records of those officers of the same grade and competitive category who were recommended for promotion and those officers of the same grade and competitive category who were not recommended for promotion by that board.

"(4) If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer in the grade of lieutenant colonel or commander or below whose name was referred to it for consideration, the officer or former officer shall be considered to have failed of selection for promotion by the board which did consider the officer but incurs no additional failure of selection for promotion from the action of the special selection board.

"(c) Report.-Each special selection board convened under this section shall submit to the Secretary of the military department concerned a written report, signed by each member of the board, containing the name of each officer it recommends for promotion and certifying that the board has considered carefully the record of each officer whose name was referred to it.

"(d) Applicable Provisions.-The provisions of sections 14104, 14109, 14110, and 14111 of this title apply to the report and proceedings of a special selection board convened under this section in the same manner as they apply to the report and proceedings of a promotion board convened under section 14101(a) of this title.

"(e) Appointment of Officers Recommended for Promotion.-(1) An officer whose name is placed on a promotion list as a result of recommendation for promotion by a special selection board convened under this section, shall, as soon as practicable, be appointed to the next higher grade in accordance with the law and policies which would have been applicable had he been recommended for promotion by the board which should have considered or which did consider him.



"(2) An officer who is promoted to the next higher grade as the result of the recommendation of a special selection board convened under this section shall, upon such promotion, have the same date of rank, the same effective date for the pay and allowances of that grade, and the same position on the reserve active-status list as the officer would have had if the officer had been recommended for promotion to that grade by the selection board which should have considered, or which did consider, the officer.

"(3) If the report of a special selection board convened under this section, as approved by the President, recommends for promotion to the next higher grade an officer not currently eligible for promotion or a former officer whose name was referred to it for consideration, the Secretary concerned may act under section 1552 of this title to correct the military record of the officer or former officer to correct an error or remove an injustice resulting from not being selected for promotion by the board which should have considered, or which did consider, the officer.

"(f) Time Limits for Consideration.-The Secretary of Defense may prescribe by regulation the circumstances under which consideration by a special selection board is contingent upon application for consideration by an officer or former officer and time limits within which an officer or former officer must make such application in order to be considered by a special selection board under this section.

"(g) Limitation of Other Jurisdiction.-No official or court of the United States shall have power or jurisdiction-

"(1) over any claim based in any way on the failure of an officer or former officer of the armed forces to be selected for promotion by a selection board convened under chapter 1403 of this title until-

"(A) the claim has been referred to a special selection board by the Secretary concerned and acted upon by that board; or

"(B) the claim has been rejected by the Secretary without consideration by a special selection board; or

"(2) to grant any relief on such a claim unless the officer or former officer has been selected for promotion by a special selection board convened under this section to consider the officer's claim.

"(h) Judicial Review.-(1) A court of the United States may review a determination by the Secretary concerned under subsection (a)(1), (b)(1), or (e)(3) not to convene a special selection board. If a court finds the determination to be arbitrary or capricious, not based on substantial evidence, or otherwise contrary to law, it shall remand the case to the Secretary concerned, who shall provide for consideration of the officer or former officer by a special selection board under this section.

"(2) If a court finds that the action of a special selection board which considers an officer or former officer was contrary to law or involved material error of fact or material administrative error, it shall remand the case to the Secretary concerned, who shall provide the officer or former officer reconsideration by a new special selection board.

"(i) Designation of Boards.-The Secretary of the military department concerned may designate a promotion board convened under section 14101(a) of this title as a special selection board convened under this section. A board so designated may function in both capacities.

"§14503. Discharge of officers with less than five years of commissioned service or found not qualified for promotion to first lieutenant or lieutenant (junior grade)

"(a) Authorized Discharges.-The Secretary of the military department concerned may discharge any reserve officer who-

"(1) has less than five years of service in an active status as a commissioned officer; or

"(2) is serving in the grade of second lieutenant or ensign and has been found not qualified for promotion to the grade of first lieutenant or lieutenant (junior grade).

"(b) Time for Discharge.-(1) An officer described in subsection (a)(2)-

"(A) may be discharged at any time after being found not qualified for promotion; and

"(B) if not sooner discharged, shall be discharged at the end of the 18-month period beginning on the date on which the officer is first found not qualified for promotion.

"(2) Paragraph (1) shall not apply if the officer is sooner promoted.

"(c) Regulations.-Discharges under this section shall be made under regulations prescribed by the Secretary of Defense and may be made without regard to section 12645 of this title.

"§14504. Effect of failure of selection for promotion: reserve first lieutenants of the Army, Air Force, and Marine Corps and reserve lieutenants (junior grade) of the Navy

"(a) General Rule.-A first lieutenant on the reserve active-status list of the Army, Air Force, or Marine Corps or a lieutenant (junior grade) on the reserve active-status list of the Navy who has failed of selection for promotion to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade shall be separated in accordance with section 14513 of this title not later than the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time.

"(b) Exceptions.-Subsection (a) does not apply (1) in the case of an officer retained as provided by regulation of the Secretary of the military department concerned in order to meet planned mobilization needs for a period not in excess of 24 months beginning with the date on which the President approves the report of the selection board which resulted in the second failure, or (2) as provided in section 12646 or 12686 of this title.

"§14505. Effect of failure of selection for promotion: reserve captains of the Army, Air Force, and Marine Corps and reserve lieutenants of the Navy

"Unless retained as provided in section 12646 or 12686 of this title, a captain on the reserve active-status list of the Army, Air Force, or Marine Corps or a lieutenant on the reserve active-status list of the Navy who has failed of selection for promotion to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade and who has not been selected for continuation on the reserve active-status list under section 14701 of this title, shall be separated in accordance with section 14513 of this title not later than the first day of the seventh month after the month in which the President approves the report of the board which considered the officer for the second time.

"§14506. Effect of failure of selection for promotion: reserve majors of the Army, Air Force and Marine Corps and reserve lieutenant commanders of the Navy

"Unless retained as provided in section 12646, 12686, 14701, or 14702 of this title, each reserve officer of the Army, Navy, Air Force, or Marine Corps who holds the grade of major or lieutenant commander who has failed of selection to the next higher grade for the second time and whose name is not on a list of officers recommended for promotion to the next higher grade shall, if not earlier removed from the reserve active-status list, be removed from that list in accordance with section 14513 of this title on the first day of the month after the month in which the officer completes 20 years of commissioned service.

"§14507. Removal from the reserve active-status list for years of service: reserve lieutenant colonels and colonels of the Army, Air Force, and Marine Corps and reserve commanders and captains of the Navy

"(a) Lieutenant Colonels and Commanders.-Unless continued on the reserve active-status list under section 14701 or 14702 of this title or retained as provided in section 12646 or 12686 of this title, each reserve officer of the Army, Navy, Air Force, or Marine Corps who holds the grade of lieutenant colonel or

commander and who is not on a list of officers recommended for promotion to the next higher grade shall (if not earlier removed from the reserve active-status list) be removed from that list under section 14514 of this title on the first day of the month after the month in which the officer completes 28 years of commissioned service.

"(b) Colonels and Navy Captains.-Unless continued on the reserve active-status list under section 14701 or 14702 of this title or retained as provided in section 12646 or 12686 of this title, each reserve officer of the Army, Air Force, or Marine Corps who holds the grade of colonel, and each reserve officer of the Navy who holds the grade of captain, and who is not on a list of officers recommended for promotion to the next higher grade shall (if not earlier removed from the reserve active-status list) be removed from that list under section 14514 of this title on the first day of the month after the month in which the officer completes 30 years of commissioned service. This subsection does not apply to the adjutant general or assistant adjutants general of a State.

"§14508. Removal from the reserve active-status list for years of service: reserve general and flag officers

"(a) Thirty Years Service or Five Years in Grade.-Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of brigadier general who has not been recommended for promotion to the grade of major general, and each reserve officer of the Navy in the grade of rear admiral (lower half) who has not been recommended for promotion to rear admiral shall, 30 days after completion of 30 years of commissioned service or on the fifth anniversary of the date of the officer's appointment in the grade of brigadier general or rear admiral (lower half), whichever is later, be separated in accordance with section 14514 of this title.

"(b) Thirty-Five Years Service or Five Years in Grade.-Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of major general, and each reserve officer of the Navy in the grade of rear admiral, shall, 30 days after completion of 35 years of commissioned service or on the fifth anniversary of the date of the officer's appointment in the grade of major general or rear admiral, whichever is later, be separated in accordance with section 14514 of this title.

"(c) Retention of Brigadier Generals.-A reserve officer of the Army or Air Force in the grade of brigadier general who would otherwise be removed from an active status under this subsection (a) may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, as the case may be, be retained in an active status, but not later than the date on which the officer becomes 60 years of age. Not more than 10 officers of the Army and not more than 10 officers of the Air Force may be retained under this subsection at any one time.

"(d) Retention of Major Generals.-A reserve officer of the Army or Air Force in the grade of major general who would otherwise be removed from an active status under this subsection (b) may, in the discretion of the Secretary of the Army or the Secretary of the Air Force, as the case may be, be retained in an active status, but not later than the date on which the officer becomes 62 years of age. Not more than 10 officers of the Army and not more than 10 officers of the Air Force may be retained under this subsection at any one time.

"(e) Exception for State Adjutants General and Assistant Adjutants General.-This section does not apply to an officer who is the adjutant general or assistant adjutant general of a State.

"§14509. Separation at age 60: reserve officers in grades below brigadier general or rear admiral (lower half)

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps in a grade below brigadier general or rear admiral (lower half) who has not been recommended for promotion to the grade of brigadier general or rear admiral (lower half) and is not a member of the Retired Reserve shall, on the last day of the month in which that officer becomes 60 years of age, be separated in accordance with section 14515 of this title.

"§14510. Separation at age 60: reserve brigadier generals and rear admirals (lower half)

"Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of brigadier general who has not been recommended for promotion to the grade of major general, and each reserve rear admiral (lower half) of the Navy who has not been recommended for promotion to the grade of rear admiral, except an officer covered by section 14512 of this title, shall be separated in accordance with section 14515 of this title on the last day of the month in which the officer becomes 60 years of age.

"§14511. Separation at age 62: major generals and rear admirals

"Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, each reserve officer of the Army, Air Force, or Marine Corps in the grade of major general and each reserve officer of the Navy in the grade of rear admiral, except an officer covered by section 14512 of this title, shall be separated in accordance with section 14515 of this title on the last day of the month in which the officer becomes 62 years of age.

"§14512. Separation at age 64: officers holding certain offices

"(a) Army and Air Force.-Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, a reserve officer of the Army or Air Force who is Chief of the National Guard Bureau, an adjutant general, or if a reserve officer of the Army, commanding general of the troops of a State, shall on the last day of the month in which the officer becomes 64 years of age, be separated in accordance with section 14515 of this title.

"(b) Navy and Marine Corps.-The Secretary of the Navy may defer the retirement under section 14510 or 14511 of a reserve officer of the Navy in a grade above captain or a reserve officer of the Marine Corps in a grade above colonel and retain the officer in an active status until the officer becomes 64 years of age. Not more than 10 officers may be so deferred at any one time, distributed between the Naval Reserve and the Marine Corps Reserve as the Secretary determines.

"§14513. Separation for failure of selection of promotion

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and whose removal from an active status or from a reserve active-status list is required by section 14504, 14505, or 14506 of this title shall (unless the officer's separation is deferred or the officer is continued in an active status under another provision of law) not later than the date specified in those sections-

"(1) be transferred to an inactive status if the Secretary concerned determines that the officer has skills which may be required to meet the mobilization needs of the officer's armed force;

"(2) be transferred to the Retired Reserve, if the officer is qualified and applies for such transfer; or

"(3) if the officer is not transferred to an inactive status or to the Retired Reserve, be discharged from the officer's reserve appointment.

"§14514. Discharge or retirement for years of service or after selection for early removal

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and who is required to be removed from an active status or from a reserve active-status list, as the case may be, under section 14507, 14508, 14704, or 14705 of this title (unless the officer is sooner separated or the

officer's separation is deferred or the officer is continued in an active status under another provision of law), in accordance with those sections, shall-

"(1) be transferred to the Retired Reserve, if the officer is qualified and applies for such transfer; or

"(2) if the officer is not qualified or does not apply for such transfer, be discharged from the officer's reserve appointment.

"§14515. Discharge or retirement for age

"Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status or on an inactive status list and who reaches the maximum age specified in section 14509, 14510, 14511, or 14512 of this title for the officer's grade or position shall (unless the officer is sooner separated or the officer's separation is deferred or the officer is continued in an active status under another provision of law) not later than the last day of the month in which the officer reaches that maximum age-

"(1) be transferred to the Retired Reserve, if the officer is qualified and applies for such transfer; or

"(2) if the officer is not qualified or does not apply for transfer to the Retired Reserve, be discharged from the officer's reserve appointment.

"§14516. Separation to be considered involuntary

"The separation of an officer pursuant to section 14513, 14514, or 14515 of this title shall be considered to be an involuntary separation for purposes of any other provision of law.

"§14517. Entitlement of officers discharged under this chapter to separation pay

"An officer who is discharged under section 14513, 14514, or 14515 of this title is entitled to separation pay under section 1174 of this title if otherwise eligible under that section.

**"CHAPTER 1409-CONTINUATION OF OFFICERS ON THE RESERVE ACTIVE-STATUS LIST AND  
SELECTIVE EARLY REMOVAL**

"Sec.

"14701. Selection of officers for continuation on the reserve active-status list.

"14702. Retention on reserve active-status list of certain officers until age 60.

"14703. Authority to retain chaplains and officers in medical specialties until specified age.

"14704. Selective early removal from the reserve active-status list.

"14705. Selective early retirement: reserve general and flag officers of the Navy and Marine Corps.

"14706. Computation of total years of service.

"§14701. Selection of officers for continuation on the reserve active-status list

"(a) Consideration for Continuation.-(1) Upon application, a reserve officer of the Army, Navy, Air Force, or Marine Corps who is required to be removed from the reserve active-status list under section 14505, 14506, or 14507 of this title may, subject to the needs of the service and to section 14509 of this title, be considered for continuation on the reserve active-status list by a selection board convened under section 14101(b) of this title.

"(2) A reserve officer who holds the grade of captain in the Army, Air Force, or Marine Corps or the grade of lieutenant in the Navy and who is subject to separation under section 14513 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 20 years of commissioned service.

"(3) A reserve officer who holds the grade of major or lieutenant commander and who is subject to separation under section 14513 of this title may not be continued on the reserve active-status list under this

subsection for a period which extends beyond the last day of the month in which the officer completes 24 years of commissioned service.

"(4) A reserve officer who holds the grade of lieutenant colonel or commander and who is subject to separation under section 14514 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 33 years of commissioned service.

"(5) A reserve officer who holds the grade of colonel in the Army, Air Force, or Marine Corps or the grade of captain in the Navy and who is subject to separation under section 14514 of this title may not be continued on the reserve active-status list under this subsection for a period which extends beyond the last day of the month in which the officer completes 35 years of commissioned service.

"(6) An officer who is selected for continuation on the reserve active-status list as a result of the convening of a selection board under section 14101(b) of this title but who declines to continue on that list shall be separated in accordance with section 14513 or 14514 of this title, as the case may be.

"(7) Each officer who is continued on the reserve active-status list under this section, who is not subsequently promoted or continued on the active-status list, and whose name is not on a list of officers recommended for promotion to the next higher grade shall (unless sooner separated under another provision of law) be separated in accordance with section 14513 or 14514 of this title, as appropriate, upon the expiration of the period for which the officer was continued on the reserve active-status list.

"(b) Approval of Secretary Concerned.-Continuation of an officer on the reserve active-status list under this section pursuant to action of a continuation board convened under section 14101(b) of this title is subject to the approval of the Secretary of the military department concerned.

"(c) Instructions To Continuation Boards.-A continuation board convened under section 14101(b) of this title to consider officers for continuation on the reserve active-status list under this section shall act in accordance with the instructions and directions provided to the board by the Secretary of the military department concerned.

"(d) Regulations.-The Secretary of Defense shall prescribe regulations for the administration of this section.

#### "§14702. Retention on reserve active-status list of certain officers until age 60

"(a) Retention.-Notwithstanding the provisions of section 14506 or 14507 of this title, the Secretary of the military department concerned may, with the officer's consent, retain on the reserve active-status list an officer in the grade of major, lieutenant colonel, or colonel who is-

"(1) an officer of the Army National Guard of the United States and assigned to a headquarters or headquarters detachment of a State; or

"(2) a reserve officer of the Army or Air Force who, as a condition of continued employment as a National Guard or Reserve technician is required by the Secretary concerned to maintain membership in a Selected Reserve unit or organization.

"(b) Separation at Age 60.-An officer may be retained under this section only so long as the officer continues to meet the conditions of subsection (a)(1) or (a)(2). An officer may not be retained under this section after the last day of the month in which the officer becomes 60 years of age.

#### "§14703. Authority to retain chaplains and officers in medical specialties until specified age

"(a) Retention.-Notwithstanding any provision of chapter 1407 of this title and except for officers referred to in sections 14503, 14504, 14505, and 14506 of this title and under regulations prescribed by the Secretary of Defense-

"(1) the Secretary of the Army may, with the officer's consent, retain in an active status any reserve officer assigned to the Medical Corps, the Dental Corps, the Veterinary Corps, the Medical Services Corps (if the officer has been designated as allied health officer or biomedical sciences officer in that Corps), the Optometry Section of the Medical Services Corps, the Chaplains, the Army Nurse Corps, or the Army Medical Specialists Corps;

"(2) the Secretary of the Navy may, with the officer's consent, retain in an active status any reserve officer appointed in the Medical Corps, Dental Corps, Nurse Corps, or Chaplain Corps or appointed in the Medical Services Corps and designated to perform as a veterinarian, optometrist, podiatrist, allied health officer, or biomedical sciences officer; and

"(3) the Secretary of the Air Force may, with the officer's consent, retain in an active status any reserve officer who is designated as a medical officer, dental officer, veterinary officer, Air Force nurse, or chaplain or who is designated as a biomedical sciences officer and is qualified for service as a veterinarian, optometrist, or podiatrist.

"(b) Separation at Specified Age.-An officer may not be retained in active status under this section later than the date on which the officer becomes 67 years of age (or, in the case of a reserve officer of the Army in the Chaplains or a reserve officer of the Air Force designated as a chaplain, 60 years of age).

"§14704. Selective early removal from the reserve active-status list

"(a) Boards To Recommend Officers for Removal From Reserve Active-Status List.-Whenever the Secretary of the military department concerned determines that there are in any reserve component under the jurisdiction of the Secretary too many officers in any grade and competitive category who have at least 30 years of service computed under section 14706 of this title or at least 20 years of service computed under section 12732 of this title, the Secretary may convene a selection board under section 14101(b) of this title to consider all officers on that list who are in that grade and competitive category, and who have that amount of service, for the purpose of recommending officers by name for removal from the reserve active-status list, in the number specified by the Secretary by each grade and competitive category.

"(b) Separation of Officers Selected.-In the case of an officer recommended for separation in the report of a board under subsection (a), the Secretary may separate the officer in accordance with section 14514 of this title.

"(c) Regulations.-The Secretary of the military department concerned shall prescribe regulations for the administration of this section.

"§14705. Selective early retirement: reserve general and flag officers of the Navy and Marine Corps

"(a) Authority to Consider.-An officer in the Naval Reserve in an active status serving in the grade of rear admiral (lower half) or rear admiral and an officer in the Marine Corps Reserve in an active status serving in the grade of brigadier general or major general may be considered for early retirement whenever the Secretary of the Navy determines that such action is necessary.

"(b) Boards.-If the Secretary of the Navy determines that consideration for early retirement under this section is necessary, the Secretary shall convene a board under section 14101(b) of this title to recommend an appropriate number of officers for early retirement.

"(c) Separation Under Section 14514.-An officer selected for early retirement under this section shall be separated in accordance with section 14514 of this title.

"§14706. Computation of total years of service

"For the purpose of this chapter and chapter 1407 of this title, a reserve officer's years of service include all service, other than constructive service, of the officer as a commissioned officer of any uniformed service (other than service as a warrant officer).

#### "CHAPTER 1411-ADDITIONAL PROVISIONS RELATING TO INVOLUNTARY SEPARATION

"Sec.

"14901. Separation of chaplains for loss of professional qualifications.

"14902. Separation for substandard performance and for certain other reasons.

"14903. Boards of inquiry.

"14904. Rights and procedures.

"14905. Officer considered for removal: retirement or discharge.

"14906. Officers eligible to serve on boards.

"14907. Army National Guard of the United States and Air National Guard of the United States: discharge and withdrawal of Federal recognition of officers absent without leave.

"§14901. Separation of chaplains for loss of professional qualifications

"(a) Separation.-Under regulations prescribed by the Secretary of Defense, an officer on the reserve active-status list who is appointed or designated as a chaplain may, if the officer fails to maintain the qualifications needed to perform the professional function of a chaplain, be discharged. The authority under the preceding sentence applies without regard to the provisions of section 12645 of this title.

"(b) Effect of Separation.-If an officer separated under this section is eligible for retirement, the officer may be retired. If the officer has completed the years of service required for eligibility for retired pay under chapter 1223 of this title, the officer may be transferred to the Retired Reserve.

"§14902. Separation for substandard performance and for certain other reasons

"(a) Substandard Performance of Duty.-The Secretary of the military department concerned shall prescribe, by regulation, procedures for the review at any time of the record of any reserve officer to determine whether that officer should be required, because that officer's performance has fallen below standards prescribed by the Secretary concerned, to show cause for retention in an active status.

"(b) Misconduct, Etc.-The Secretary of the military department concerned shall prescribe, by regulation, procedures for the review at any time of the record of any reserve officer to determine whether that officer should be required, because of misconduct, because of moral or professional dereliction, or because the officer's retention is not clearly consistent with the interests of national security, to show cause for retention in an active status.

"(c) Regulations.-The authority of the Secretary of a military department under this section shall be carried out subject to such limitations as the Secretary of Defense may prescribe by regulation.

"§14903. Boards of inquiry

"(a) Convening of Boards.-The Secretary of the military department concerned shall convene a board of inquiry at such time and place as the Secretary may prescribe to receive evidence and review the case of any officer who has been required to show cause for retention in an active status under section 14902 of this title. Each board of inquiry shall be composed of not less than three officers who have the qualifications prescribed in section 14906 of this title.

"(b) Right to Fair Hearing.-A board of inquiry shall give a fair and impartial hearing to each officer required under section 14902 of this chapter to show cause for retention in an active status.



"(c) Recommendations to Secretary.-If a board of inquiry determines that the officer has failed to establish that the officer should be retained in an active status, the board shall recommend to the Secretary concerned that the officer not be retained in an active status.

"(d) Action by Secretary.-After review of the recommendation of the board of inquiry, the Secretary may-

"(1) remove the officer from an active status; or

"(2) determine that the case be closed.

"(e) Action in Cases Where Cause for Retention Is Established.- (1) If a board of inquiry determines that an officer has established that the officer should be retained in an active status or if the Secretary determines that the case be closed, the officer's case is closed.

"(2) An officer who is required to show cause for retention under section 14902(a) of this title and whose case is closed under paragraph (1) may not again be required to show cause for retention under such subsection during the one-year period beginning on the date of that determination.

"(3)(A) Subject to subparagraph (B), an officer who is required to show cause for retention under section 14902(b) of this title and whose case is closed under paragraph (1) may again be required to show cause for retention at any time.

"(B) An officer who has been required to show cause for retention under section 14902(b) of this title and who is thereafter retained in an active status may not again be required to show cause for retention under such section solely because of conduct which was the subject of the previous proceeding, unless the recommendations of the board of inquiry that considered the officer's case are determined to have been obtained by fraud or collusion.

#### "§14904. Rights and procedures

"(a) Procedural Rights.-Under regulations prescribed by the Secretary of Defense, an officer required under section 14902 of this title to show cause for retention in an active status-

"(1) shall be notified in writing, at least 30 days before the hearing of the officer's case by a board of inquiry, of the reasons for which the officer is being required to show cause for retention in an active status;

"(2) shall be allowed a reasonable time, as determined by the board of inquiry, to prepare for showing of cause for retention in an active status;

"(3) shall be allowed to appear in person and to be represented by counsel at proceedings before the board of inquiry; and

"(4) shall be allowed full access to, and shall be furnished copies of, records relevant to the case, except that the board of inquiry shall withhold any record that the Secretary concerned determines should be withheld in the interest of national security.

"(b) Summary of Records Withheld.-When a record is withheld under subsection (a)(4), the officer whose case is under consideration shall, to the extent that the interest of national security permits, be furnished a summary of the record so withheld.

#### "§14905. Officer considered for removal: retirement or discharge

"(a) Voluntary Retirement or Discharge.-At any time during proceedings under this chapter with respect to the removal of an officer from an active status, the Secretary of the military department concerned may grant a request by the officer-

"(1) for voluntary retirement, if the officer is qualified for retirement;

"(2) for transfer to the Retired Reserve if the officer has completed the years of service required for eligibility for retired pay under chapter 1223 of this title and is otherwise eligible for transfer to the Retired Reserve; or

"(3) for discharge in accordance with subsection (b)(3).

"(b) Required Retirement or Discharge.-An officer removed from an active status under section 14903 of this title shall-

"(1) if eligible for voluntary retirement under any provision of law on the date of such removal, be retired in the grade and with the retired pay for which he would be eligible if retired under that provision;

"(2) if eligible for transfer to the Retired Reserve and has completed the years of service required for retired pay under chapter 1223 of this title, be transferred to the Retired Reserve; and

"(3) if ineligible for retirement or transfer to the Retired Reserve under paragraph (1) or (2) on the date of such removal-

"(A) be honorably discharged in the grade then held, in the case of an officer whose case was brought under subsection (a) of section 14902 of this title; or

"(B) be discharged in the grade then held, in the case of an officer whose case was brought under subsection (b) of section 14902 of this title.

"(c) Separation Pay.-An officer who is discharged under subsection (b)(3) is entitled, if eligible therefor, to separation pay under section 1174(c) of this title.

"§14906. Officers eligible to serve on boards

"(a) Composition of Boards.-(1) Each officer who serves on a board convened under this chapter shall be an officer of the same armed force as the officer being required to show cause for retention in an active status.

"(2) An officer may not serve on a board under this chapter unless the officer holds a grade above lieutenant colonel or commander and is senior in grade and rank to any officer considered by the board.

"(b) Limitation.-A person may not be a member of more than one board convened under this chapter to consider the same officer.

"§14907. Army National Guard of the United States and Air National Guard of the United States: discharge and withdrawal of Federal recognition of officers absent without leave

"(a) Authority To Withdraw Federal Recognition.-If an officer of the Army National Guard of the United States or the Air National Guard of the United States has been absent without leave for three months, the Secretary of the Army or the Secretary of the Air Force, as appropriate, may-

"(1) terminate the reserve appointment of the officer; and

"(2) withdraw the officer's Federal recognition as an officer of the National Guard.

"(b) Discharge from Reserve Appointment.-An officer of the Army National Guard of the United States or the Air National Guard of the United States whose Federal recognition as an officer of the National Guard is withdrawn under section 323(b) of title 32 shall be discharged from the officer's appointment as a reserve officer of the Army or the Air Force, as the case may be."

## PART II-CONFORMING AMENDMENTS

### SEC. 1621. DEFINITION OF RESERVE ACTIVE-STATUS LIST.

Section 101(c) is amended by adding at the end the following new paragraph:

"(7) The term 'reserve active-status list' means a single list for the Army, Navy, Air Force, or Marine Corps (required to be maintained under section 14002 of this title) that contains the names of all officers of that armed force except warrant officers (including commissioned warrant officers) who are in an active status in a reserve component of the Army, Navy, Air Force, or Marine Corps and are not on an active-duty list."

SEC. 1622. AUTHORITY TO SUSPEND OFFICER PERSONNEL LAWS DURING WAR OR NATIONAL EMERGENCY.

(a) Authority.-Section 123 is amended to read as follows:

"§123. Authority to suspend officer personnel laws during war or national emergency

"(a) In time of war, or of national emergency declared by Congress or the President after November 30, 1980, the President may suspend the operation of any provision of law relating to the promotion, involuntary retirement, or separation of commissioned officers of the Army, Navy, Air Force, Marine Corps, or Coast Guard Reserve. So long as such war or national emergency continues, any such suspension may be extended by the President.

"(b) Any such suspension shall, if not sooner ended, end on the last day of the two-year period beginning on the date on which the suspension (or the last extension thereof) takes effect or on the last day of the one-year period beginning on the date of the termination of the war or national emergency, whichever occurs first. With respect to the end of any such suspension, the preceding sentence supersedes the provisions of title II of the National Emergencies Act (50 U.S.C. 1621-1622) which provide that powers or authorities exercised by reason of a national emergency shall cease to be exercised after the date of the termination of the emergency.

"(c) If a provision of law pertaining to the promotion of reserve officers is suspended under this section and if the Secretary of Defense submits to Congress proposed legislation to adjust the grades and dates of rank of reserve commissioned officers other than commissioned warrant officers, such proposed legislation shall, so far as practicable, be the same as that recommended for adjusting the grades and dates of rank of officers of the regular component of the armed force concerned."

(b) Conforming Repeal.-Section 644 is repealed.

SEC. 1623. ACTIVE-DUTY LIST PROMOTION BOARDS TO HAVE AUTHORITY TO RECOMMEND THAT RESERVE OFFICERS CONSIDERED FOR PROMOTION BE REQUIRED TO SHOW CAUSE FOR RETENTION ON ACTIVE DUTY.

Section 617(b) is amended-

- (1) by inserting "or reserve" after "any regular"; and
- (2) by inserting "or 1411" after "chapter 60".

SEC. 1624. APPLICABILITY OF CHAPTER 36 TO RESERVE OFFICERS DURING WAR OR NATIONAL EMERGENCY.

Section 641 is amended-

- (1) by inserting "(a)" before "Officers in the following"; and
- (2) by adding at the end the following:

"(b) Under regulations prescribed by the Secretary of the military department concerned, a reserve officer who is ordered to active duty (whether voluntarily or involuntarily) during a war or national emergency and who would otherwise be placed on the active-duty list may be excluded from that list as determined by the Secretary concerned. Exclusion of an officer from the active-duty list as the result of action by the Secretary concerned under the preceding sentence shall expire not later than 24 months after the date on which the officer enters active duty under an order to active duty covered by that sentence."

SEC. 1625. GRADE IN WHICH RESERVE OFFICERS ARE ORDERED TO ACTIVE DUTY.

Section 689 is amended-

- (1) by inserting "or full-time National Guard duty" after "active duty" the first two places it appears; and
- (2) by inserting "and placed on the active-duty list" after "active duty" the third place it appears.

#### SEC. 1626. DATE OF RANK.

Section 741(d)(3) is amended-

- (1) by inserting "or who is transferred from an inactive status to an active status and placed on the active-duty list or the reserve active-status list" after "warrant officer (W-5)";
- (2) by inserting "or reserve active-status list" after "active-duty list" the second place it appears; and
- (3) by adding at the end: "The authority to change the date of rank of a reserve officer who is placed on the active-duty list to a later date does not apply in the case of an officer who (A) has served continuously in the Selected Reserve of the Ready Reserve since the officer's last promotion, or (B) is placed on the active-duty list while on a promotion list as described in section 14317(b) of this title."

#### SEC. 1627. DISCHARGE BEFORE COMPLETION OF REQUIRED SERVICE IN CASE OF OFFICERS HAVING TWICE FAILED OF SELECTION FOR CAPTAIN OR NAVY LIEUTENANT.

Section 1005(b) is amended-

- (1) by striking out "or" at the end of paragraph (1);
- (2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof a semicolon; and
- (3) by adding at the end the following:
  - "(3) an officer on the active-duty list or reserve active-status list who has failed of selection for promotion for the second time to the grade of captain, in the case of an officer of the Army, Air Force, or Marine Corps, or to the grade of lieutenant, in the case of an officer of the Navy; or
  - "(4) an officer whose discharge or transfer from an active status is required by law."

#### SEC. 1628. CONFORMING AMENDMENTS RELATING TO NAVY AND MARINE CORPS OFFICERS.

Section 6389 is amended-

- (1) in subsection (a)-
  - (A) by inserting "while on the active-duty list" after "to the next higher grade"; and
  - (B) by striking out the period at the end and inserting in lieu thereof "or released from active duty and placed on the reserve active-status list.";
- (2) in subsection (b), by striking out "or (f)";
- (3) in subsection (c)-
  - (A) by inserting "(1)" after "(c)";
  - (B) by striking out "lieutenant commander or above" both places it appears and inserting in lieu thereof "lieutenant commander or commander";
  - (C) by striking out "major or above" both places it appears and inserting in lieu thereof "major or lieutenant colonel";
  - (D) by inserting "while on the active-duty list" after "to the next higher grade" in the first sentence; and
  - (E) in the table-
    - (i) by striking out the line relating to the grades of captain in the Navy and colonel in the Marine Corps; and
    - (ii) by striking out "26 years" and inserting in lieu thereof "28 years";
  - (F) by designating the sentence after the table as paragraph (2) and in that sentence striking out "the first sentence of this subsection" and inserting in lieu thereof "the first sentence of paragraph (1)";

(G) by designating the next sentence as paragraph (3) and in that sentence striking out "the first two sentences of this subsection" and inserting in lieu thereof "paragraph (1)"; and

(H) by designating the last sentence as paragraph (4) and in that sentence-

(i) striking out "the first two sentences of this subsection" and inserting in lieu thereof "paragraph (1)"; and

(ii) striking out "captain or"; and

(4) by striking out subsections (e), (f), and (g).

#### SEC. 1629. REPEAL OF RESERVE OFFICER PERSONNEL POLICY LAWS.

(a) Army Provisions.-

(1) Chapter 337, relating to appointments as reserve officers (other than sections 3351 and 3352), is repealed.

(2) Chapter 361, relating to separation for various reasons, is repealed.

(3) Chapter 363, relating to separation or transfer to the Retired Reserve, is repealed.

(b) Navy and Marine Corps Provisions.-

(1) Chapter 541, relating to running mates as reserve officers, is repealed.

(2) Chapter 549, relating to reserve promotions, is repealed.

(3) Sections 6391, 6392, 6397, 6403, and 6410 are repealed.

(c) Air Force Provisions.-

(1) Chapter 837, relating to appointments as reserve officers (other than sections 8351 and 8352), is repealed.

(2) Sections 8819 and 8820 are repealed.

(3) Chapter 863, relating to separation or transfer to the Retired Reserve, is repealed.

#### SEC. 1630. AMENDMENTS TO TITLE 32, UNITED STATES CODE.

Title 32, United States Code, is amended as follows:

(1) Sections 309 and 310 are amended to read as follows:

"§309. Federal recognition of National Guard officers: officers promoted to fill vacancies

"Each officer of the National Guard who is promoted to fill a vacancy in a federally recognized unit of the National Guard, and who has been on the reserve active-status list or the active-duty list of the Army or the Air Force for at least one year and has completed the minimum years of service in grade specified in section 14303 of title 10, shall be examined for Federal recognition in the grade to which the officer is promoted.

"§310. Federal recognition of National Guard officers: automatic recognition

"(a) Notwithstanding sections 307 and 309 of this title, if a second lieutenant of the National Guard is promoted to the grade of first lieutenant to fill a vacancy in a federally recognized unit in the National Guard, Federal recognition is automatically extended to that officer in the grade of first lieutenant, effective as of the date on which that officer has completed the service in the grade specified in section 14303(a)(1) of title 10 and has met such other requirements as prescribed by the Secretary concerned under section 14308(b) of that title, if the officer has remained in an active status since the officer was so recommended.

"(b) Notwithstanding sections 307 and 309 of this title, if an officer of the Army Reserve or the Air Force Reserve in a reserve grade above second lieutenant is appointed in the next higher grade in the National Guard to fill a vacancy in a federally recognized unit in the National Guard, Federal recognition is automatically extended to that officer in the grade in which the officer is so appointed in the National Guard if the officer has been recommended for promotion under chapter 1405 of title 10 and has remained in an active status since the officer was so recommended. The extension of Federal recognition under this subsection is effective as of the date when the officer is appointed in the National Guard."

(2) Section 323 is amended by striking out subsections (d) and (e) and inserting in lieu thereof the following:

"(d) The Federal recognition of a reserve commissioned officer of the Army or the Air Force who is-

"(1) federally recognized as an officer of the National Guard; and

"(2) subject to involuntary transfer to the Retired Reserve, transfer to an inactive status list, or discharge under chapter 1407, 1409, or 1411 of title 10;

shall, if not sooner withdrawn, be withdrawn on the date of such involuntary transfer or discharge."

## SUBTITLE B-OTHER PERSONNEL POLICY AMENDMENTS

### PART I-APPOINTMENTS

#### SEC. 1631. REPEAL OF SEPARATE AUTHORITY FOR ACCESSION OF WOMEN IN RESERVE COMPONENTS.

(a) Enlistments.-Section 510 is amended-

(1) by striking out subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(b) Appointment of Officers.-Section 591 is amended-

(1) by striking out subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

#### SEC. 1632. APPOINTMENT AUTHORITY FOR RESERVE GRADES OF LIEUTENANT COLONEL AND COMMANDER.

Section 593(a) is amended-

(1) in the first sentence, by striking out "Reserves in commissioned grades below lieutenant colonel and commander" and inserting in lieu thereof "reserve officers in commissioned grades of lieutenant colonel and commander or below"; and

(2) in the second sentence, by striking out "Reserves in commissioned grades above major and lieutenant commander" and inserting in lieu thereof "reserve officers in commissioned grades above lieutenant colonel and commander".

#### SEC. 1633. APPOINTMENT OF FORMER COMMISSIONED OFFICERS IN RESERVE COMPONENTS.

Chapter 34 is amended by inserting after section 596 the following new section:

"§596a. Commissioned officers: appointment of former commissioned officers

"Under regulations prescribed by the Secretary of Defense, a person who is a former commissioned officer may, if otherwise qualified, be appointed as a reserve officer of the Army, Navy, Air Force, or Marine Corps. A person so appointed-

"(1) may be placed on the reserve active-status list of that armed force in the grade equivalent to the permanent regular or reserve grade, and in the same competitive category, in which the person previously served satisfactorily on active duty or in an active status; and

"(2) may be credited for the purpose of determining date of rank under section 741(d) of this title with service in grade equal to that held by that person when discharged or separated."

#### SEC. 1634. CONSTRUCTIVE CREDIT FOR APPOINTMENT OF OFFICERS IN RESERVE COMPONENTS WITH QUALIFYING EDUCATION OR EXPERIENCE.

Chapter 34 is further amended by inserting after section 596a (as added by section 1633) the following new section:

"§596b. Commissioned officers: service credit upon original appointment

"(a)(1) For the purpose of determining the grade and the rank within grade of a person receiving an original appointment as a reserve commissioned officer (other than a commissioned warrant officer) in the Army, Navy, Air Force, or Marine Corps, the person shall be credited at the time of the appointment with any commissioned service (other than service as a commissioned warrant officer) performed before such appointment as a regular officer, or as a reserve officer in an active status, in any armed force, the National Oceanic and Atmospheric Administration, or the Public Health Service.

"(2) The Secretary of Defense shall prescribe regulations, which shall apply uniformly among the Army, Navy, Air Force, and Marine Corps, to authorize the Secretary of the military department concerned to limit the amount of prior commissioned service with which a person receiving an original appointment may be credited under paragraph (1), or to deny any such credit, in the case of a person who at the time of such appointment is credited with constructive service under subsection (b).

"(b)(1) Under regulations prescribed by the Secretary of Defense, a person who is receiving an original appointment as a reserve commissioned officer (other than a commissioned warrant officer) of the Army, Navy, Air Force, or Marine Corps, or a designation in, or an assignment to, an officer category in which advanced education or training is required and who has advanced education or training, shall be credited with constructive service for such education, training, or experience, as follows:

"(A) One year for each year of advanced education beyond the baccalaureate degree level, for persons appointed or designated in, or assigned to, officer categories requiring such advanced education or an advanced degree as a prerequisite for such appointment, designation, or assignment. In determining the number of years of constructive service to be credited under this subparagraph to officers in any professional field, the Secretary concerned shall credit an officer with, but with not more than, the number of years of advanced education required by a majority of institutions that award degrees in that professional field for completion of the advanced education or award of the advanced degree.

"(B)(i) Credit for any period of advanced education in a health profession (other than medicine and dentistry) beyond the baccalaureate degree level which exceeds the basic education criteria for such appointment, designation, or assignment, if such advanced education will be directly used by the armed force concerned.

"(ii) Credit for experience in a health profession (other than medicine or dentistry), if such experience will be directly used by the armed force concerned.

"(C) Additional credit of (i) not more than one year for internship or equivalent graduate medical, dental, or other formal health professional training required by the armed forces, and (ii) not more than one year for each additional year of such graduate-level training or experience creditable toward certification in a speciality required by the armed force concerned.

"(D) Additional credit, in unusual cases, based on special experience in a particular field.

"(E) Additional credit for experience as a physician or dentist, if appointed, assigned, or designated as a medical or dental officer.

"(2) If the Secretary of Defense determines that the number of medical or dental officers serving in an active status in a reserve component of the Army, Navy, or Air Force in grades below major or lieutenant commander is critically below the number needed by such reserve component in such grades, the Secretary of Defense may authorize the Secretary of the military department concerned to credit any person who is receiving an original appointment for service as a medical or dental officer with a period of constructive credit in such amount (in addition to any amount credited such person under subsection (b)) as will result in the grade of such person being that of captain or, in the case of the Naval Reserve, lieutenant.

"(3) Except as authorized by the Secretary concerned in individual cases and under regulations prescribed by the Secretary of Defense in the case of a medical or dental officer, the amount of constructive service credited an officer under this subsection may not exceed the amount required in order for the officer to be eligible for an original appointment as a reserve officer of the Army, Air Force, or Marine Corps in the grade of major or as a reserve officer of the Navy in the grade of lieutenant commander.

"(4) Constructive service credited an officer under this subsection is in addition to any service credited that officer under subsection (a) and shall be credited at the time of the original appointment of the officer or assignment to or designation in an officer category in which advanced education or training or special experience is required.

"(c) Constructive service may not be credited under subsection (b) for education, training, or experience obtained while serving as a commissioned officer (other than a warrant officer) on active duty or in an active status. However, in the case of an officer who completes advanced education or receives an advanced degree while on active duty or in an active status and in less than the number of years normally required to complete such advanced education or receive such advanced degree, constructive service may, subject to regulations prescribed under subsection (a)(2), be credited to the officer under subsection (b)(1)(A) to the extent that the number of years normally required to complete such advanced education or receive such advanced degree exceeds the actual number of years in which such advanced education or degree is obtained by the officer.

"(d) If the Secretary of Defense determines that the number of qualified judge advocates serving on the active-duty list of the Army, Navy, Air Force, or Marine Corps in grades below lieutenant commander or major is critically below the number needed by that armed force in those grades, the Secretary of Defense may authorize the Secretary of the military department concerned to credit any person who is receiving an original appointment with a view to assignment to the Judge Advocate General's Corps of the Army or appointment to the Judge Advocate General's Corps of the Navy, or who is receiving an original appointment in the Air Force or Marine Corps with a view to designation as a judge advocate, with a period of constructive service in such an amount (in addition to any amount credited such person under subsection (b)) as will result in the grade of such person being that of captain or, in the case of the Navy, lieutenant, and the date of rank of such person being junior to that of all other officers of the same grade serving on the active-duty list.

"(e) Constructive service credited an officer under subsection (b) or (d) shall be used only for determining the officer's-

"(1) initial grade as a reserve officer;

"(2) rank in grade; and

"(3) service in grade for promotion eligibility.

"(f) The grade and position on the reserve active-status list of a person receiving an appointment as a reserve officer who at the time of appointment is credited with service under this section shall be determined under regulations prescribed by the Secretary of Defense based upon the amount of service credited."

#### SEC. 1635. COMPUTATION OF YEARS OF SERVICE FOR TRANSFER OF ARMY OFFICERS TO RETIRED RESERVE.

(a) Interim Repeal of Obsolete Provision.-Effective for the period beginning on the date of the enactment of this Act and ending on the effective date specified in section 1291, section 3853 is amended by striking out "the greater of-" and all that follows and inserting in lieu thereof "the sum of the following:

"(1) The officer's years of service as a commissioned officer of any component of the armed forces or of the Army without specification of component.

"(2) The officer's years of service in a federally recognized commissioned status in the National Guard if his service in the National Guard was continuous from the date of his Federal recognition as an officer in the National Guard to the date of his appointment in the National Guard of the United States."



(b) Effective Date.-The amendment made by subsection (a) shall apply with respect to transfers to the Retired Reserve and to discharges on or after the date of the enactment of this Act.

#### SEC. 1636. REPEAL OF MISCELLANEOUS OBSOLETE APPOINTMENT AUTHORITIES.

(a) Army Reserve Officers Appointed in Temporary Grades.-Section 3352(a) is amended by striking out the second sentence.

(b) Air Force Aviation Cadets.-Section 8356 is repealed.

(c) Redundant Statement of Authority.-Section 8379 is repealed.

### PART II-SEPARATION AND RETIREMENT

#### SEC. 1641. COMPUTATION OF HIGHEST GRADE IN WHICH SATISFACTORILY SERVED FOR RESERVE COMMISSIONED OFFICERS AND FORMER OFFICERS.

Section 1370 is amended by adding at the end the following new subsection:

"(d)(1) Unless entitled to a higher grade, or to credit for satisfactory service in a higher grade, under some other provision of law, a person who is entitled to retired pay under chapter 1225 of this title shall, upon application under section 12731 of this title, be credited with satisfactory service in the highest grade in which that person served satisfactorily at any time in the armed forces, as determined by the Secretary concerned in accordance with this subsection.

"(2)(A) In order to be credited with satisfactory service in an officer grade (other than a warrant officer grade) below the grade of lieutenant colonel or commander, a person covered by paragraph (1) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than six months.

"(B) In order to be credited with satisfactory service in an officer grade above major or lieutenant commander and below lieutenant general or vice admiral, a person covered by paragraph (1) must have served satisfactorily in that grade (as determined by the Secretary of the military department concerned) as a reserve commissioned officer in an active status, or in a retired status on active duty, for not less than three years. A person covered by the preceding sentence who has completed at least six months of satisfactory service in grade and is transferred from an active status or discharged as a reserve commissioned officer solely due to the requirements of a nondiscretionary provision of law requiring that transfer or discharge due to the person's age or years of service may be credited with satisfactory service in the grade in which serving at the time of such transfer or discharge, notwithstanding failure of the person to complete three years of service in that grade.

"(3) A person whose length of service in the highest grade held does not meet the service in grade requirements specified in this subsection shall be credited with satisfactory service in the next lower grade in which that person served satisfactorily (as determined by the Secretary of the military department concerned) for not less than six months."

### SUBTITLE C-REORGANIZATION AND CONSOLIDATION OF LAWS RELATING TO RESERVE COMPONENTS

#### SEC. 1661. LAWS RELATING TO ORGANIZATION AND ADMINISTRATION OF RESERVE COMPONENTS.

(a) Reserve Components Generally.-(1) Subtitle E, as added by section 1611, is amended by inserting after the table of chapters at the beginning of the subtitle the following:

"PART I-ORGANIZATION AND ADMINISTRATION

"Chap	Sec.
"1001. Definitions	10001
"1003. Reserve Components Generally	10101
"1005. Elements of Reserve Components	10141
"1007. Administration of Reserve Components	10201
"1009. Reserve Forces Policy Boards and Committees	10301
"1011. National Guard Bureau	10501
"1013. Budget Information and Annual Reports to Congress	10541

"CHAPTER 1001-DEFINITIONS

"Sec.

"10001. Definition of State.

"§10001. Definition of State

"In this subtitle, the term `State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, and Guam.

"CHAPTER 1003-RESERVE COMPONENTS GENERALLY

"Sec.

"10101. Reserve components named.

"10102. Purpose of reserve components.

"10103. Basic policy for order of National Guard into Federal service.

"10104. Army Reserve: composition.

"10105. Army National Guard of the United States: composition.

"10106. Army National Guard: when a component of the Army.

"10107. Army National Guard of the United States: status when not in Federal service.

"10108. Naval Reserve: administration.

"10109. Marine Corps Reserve: administration.

"10110. Air Force Reserve: composition.

"10111. Air National Guard of the United States: composition.

"10112. Air National Guard: when a component of the Air Force.

"10113. Air National Guard of the United States: status when not in Federal service.

"10114. Coast Guard Reserve.

"§10101. Reserve components named

"The reserve components of the armed forces are:

"(1) The Army National Guard of the United States.

"(2) The Army Reserve.

"(3) The Naval Reserve.

"(4) The Marine Corps Reserve.

"(5) The Air National Guard of the United States.

"(6) The Air Force Reserve.

"(7) The Coast Guard Reserve.

"§10102. Purpose of reserve components

"The purpose of each reserve component is to provide trained units and qualified persons available for active duty in the armed forces, in time of war or national emergency, and at such other times as the national security may require, to fill the needs of the armed forces whenever, during and after the period needed to procure and train additional units and qualified persons to achieve the planned mobilization, more units and persons are needed than are in the regular components.

"§10103. Basic policy for order of the National Guard and reserve components to active duty

"Whenever Congress determines that more units and organizations are needed for the national security than are in the regular components of the ground and air forces, the Army National Guard of the United States and the Air National Guard of the United States, or such parts of them as are needed, together with units of other reserve components necessary for a balanced force, shall be ordered to active duty and retained as long as so needed.

"§10104. Army Reserve: composition

"The Army Reserve includes all Reserves of the Army who are not members of the Army National Guard of the United States.

"§10105. Army National Guard of the United States: composition

"The Army National Guard of the United States is the reserve component of the Army that consists of-

- "(1) federally recognized units and organizations of the Army National Guard; and
- "(2) members of the Army National Guard who are also Reserves of the Army.

"§10106. Army National Guard: when a component of the Army

"The Army National Guard while in the service of the United States is a component of the Army.

"§10107. Army National Guard of the United States: status when not in Federal service

"When not on active duty, members of the Army National Guard of the United States shall be administered, armed, equipped, and trained in their status as members of the Army National Guard.

"§10108. Naval Reserve: administration

"(a) The Naval Reserve is the reserve component of the Navy. It shall be organized, administered, trained, and supplied under the direction of the Chief of Naval Operations.

"(b) The bureaus and offices of the executive part of the Department of the Navy have the same relation and responsibility to the Naval Reserve as they do to the Regular Navy.

"§10109. Marine Corps Reserve: administration

"(a) The Marine Corps Reserve is the reserve component of the Marine Corps. It shall be organized, administered, trained, and supplied under the direction of the Commandant of the Marine Corps.

"(b) The departments and offices of Headquarters, Marine Corps have the same relation and responsibilities to the Marine Corps Reserve as they do to the Regular Marine Corps.

"§10110. Air Force Reserve: composition

"The Air Force Reserve is a reserve component of the Air Force to provide a reserve for active duty. It consists of the members of the officers' section of the Air Force Reserve and of the enlisted section of

the Air Force Reserve. It includes all Reserves of the Air Force who are not members of the Air National Guard of the United States.

"§10111. Air National Guard of the United States: composition

"The Air National Guard of the United States is the reserve component of the Air Force that consists of-

"(1) federally recognized units and organizations of the Air National Guard; and

"(2) members of the Air National Guard who are also Reserves of the Air Force.

"§10112. Air National Guard: when a component of the Air Force

"The Air National Guard while in the service of the United States is a component of the Air Force.

"§10113. Air National Guard of the United States: status when not in Federal service

"When not on active duty, members of the Air National Guard of the United States shall be administered, armed, equipped, and trained in their status as members of the Air National Guard.

"§10114. Coast Guard Reserve

"As provided in section 701 of title 14, the Coast Guard Reserve is a component of the Coast Guard and is organized, administered, trained, and supplied under the direction of the Commandant of the Coast Guard. Laws applicable to the Coast Guard Reserve are set forth in chapter 21 of title 14 (14 U.S.C. 701 et seq.).

#### "CHAPTER 1005-ELEMENTS OF RESERVE COMPONENTS

"Sec.

"10141. Ready Reserve; Standby Reserve; Retired Reserve: placement and status of members; training categories.

"10142. Ready Reserve generally.

"10143. Ready Reserve: Selected Reserve.

"10144. Ready Reserve: Individual Ready Reserve.

"10145. Ready Reserve: placement in.

"10146. Ready Reserve: transfer from.

"10147. Ready Reserve: training requirements.

"10148. Ready Reserve: failure to satisfactorily perform prescribed training.

"10149. Ready Reserve: continuous screening.

"10150. Ready Reserve: transfer back from Standby Reserve.

"10151. Standby Reserve: composition.

"10152. Standby Reserve: inactive status list.

"10153. Standby Reserve: status of members.

"10154. Retired Reserve.

"§10141. Ready Reserve; Standby Reserve; Retired Reserve: placement and status of members; training categories

"(a) There are in each armed force a Ready Reserve, a Standby Reserve, and a Retired Reserve. Each Reserve shall be placed in one of those categories.

"(b) Reserves who are on the inactive status list of a reserve component, or who are assigned to the inactive Army National Guard or the inactive Air National Guard, are in an inactive status. Members in the Retired Reserve are in a retired status. All other Reserves are in an active status.

"(c) As prescribed by the Secretary concerned, each reserve component except the Army National Guard of the United States and the Air National Guard of the United States shall be divided into training categories according to the degrees of training, including the number and duration of drills or equivalent duties to be completed in stated periods. The designation of training categories shall be the same for all armed forces and the same within the Ready Reserve and the Standby Reserve.

#### "§10142. Ready Reserve

"(a) The Ready Reserve consists of units or Reserves, or both, liable for active duty as provided in sections 12301 and 12302 of this title.

"(b) The authorized strength of the Ready Reserve is 2,900,000.

#### "§10143. Ready Reserve: Selected Reserve

"(a) Within the Ready Reserve of each of the reserve components there is a Selected Reserve. The Selected Reserve consists of units, and, as designated by the Secretary concerned, of Reserves, trained as prescribed in section 10147(a)(1) of this title or section 502(a) of title 32, as appropriate.

"(b) The organization and unit structure of the Selected Reserve shall be approved-

"(1) in the case of all reserve components other than the Coast Guard Reserve, by the Secretary of Defense based upon recommendations from the military departments as approved by the Chairman of the Joint Chiefs of Staff in accordance with contingency and war plans; and

"(2) in the case of the Coast Guard Reserve, by the Secretary of Transportation upon the recommendation of the Commandant of the Coast Guard.

#### "§10144. Ready Reserve: Individual Ready Reserve

"Within the Ready Reserve of each of the reserve components there is an Individual Ready Reserve. The Individual Ready Reserve consists of those members of the Ready Reserve who are not in the Selected Reserve or the inactive National Guard.

#### "§10145. Ready Reserve: placement in

"(a) Each person required under law to serve in a reserve component shall, upon becoming a member, be placed in the Ready Reserve of his armed force for his prescribed term of service, unless he is transferred to the Standby Reserve under section 10146(a) of this title.

"(b) The units and members of the Army National Guard of the United States and of the Air National Guard of the United States are in the Ready Reserve of the Army and the Ready Reserve of the Air Force, respectively.

"(c) All Reserves assigned to units organized to serve as units and designated as units in the Ready Reserve are in the Ready Reserve.

"(d) Under such regulations as the Secretary concerned may prescribe, any qualified member of a reserve component or any qualified retired enlisted member of a regular component may, upon his request, be placed in the Ready Reserve. However, a member of the Retired Reserve entitled to retired pay or a retired enlisted member of a regular component may not be placed in the Ready Reserve unless the Secretary concerned makes a special finding that the member's services in the Ready Reserve are indispensable. The Secretary concerned may not delegate his authority under the preceding sentence.

"§10146. Ready Reserve: transfer from

"(a) Subject to subsection (c) and under regulations prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a member in the Ready Reserve may be transferred to the Standby Reserve.

"(b) A Reserve who is qualified and so requests may be transferred to the Retired Reserve under regulations prescribed by the Secretary concerned and, in the case of the Secretary of a military department, approved by the Secretary of Defense.

"(c) A member of the Army National Guard of the United States or the Air National Guard of the United States may be transferred to the Standby Reserve only with the consent of the governor or other appropriate authority of the State.

"§10147. Ready Reserve: training requirements

"(a) Except as specifically provided in regulations to be prescribed by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, each person who is enlisted, inducted, or appointed in an armed force, and who becomes a member of the Ready Reserve under any provision of law except section 513 or 10145(b) of this title, shall be required, while in the Ready Reserve, to-

"(1) participate in at least 48 scheduled drills or training periods during each year and serve on active duty for training of not less than 14 days (exclusive of traveltime) during each year; or

"(2) serve on active duty for training not more than 30 days during each year.

"(b) A member who has served on active duty for one year or longer may not be required to perform a period of active duty for training if the first day of that period falls during the last 120 days of the member's required membership in the Ready Reserve.

"§10148. Ready Reserve: failure to satisfactorily perform prescribed training

"(a) A member of the Ready Reserve covered by section 10147 of this title who fails in any year to perform satisfactorily the training duty prescribed in that section, as determined by the Secretary concerned under regulations prescribed by the Secretary of Defense, may be ordered without his consent to perform additional active duty for training for not more than 45 days. If the failure occurs during the last year of his required membership in the Ready Reserve, his membership is extended until he performs that additional active duty for training, but not for more than six months.

"(b) A member of the Army National Guard of the United States or the Air National Guard of the United States who fails in any year to perform satisfactorily the training duty prescribed by or under law for members of the Army National Guard or the Air National Guard, as the case may be, as determined by the Secretary concerned, may, upon the request of the Governor of the State (or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard) be ordered, without his consent, to perform additional active duty for training for not more than 45 days. A member ordered to active duty under this subsection shall be ordered to duty as a Reserve of the Army or as a Reserve of the Air Force, as the case may be.

"§10149. Ready Reserve: continuous screening

"(a) Under regulations to be prescribed by the President, the Secretary concerned shall provide a system of continuous screening of units and members of the Ready Reserve to ensure the following:

"(1) That there will be no significant attrition of those members or units during a mobilization.

"(2) That there is a proper balance of military skills.

"(3) That except for those with military skills for which there is an overriding requirement, members having critical civilian skills are not retained in numbers beyond the need for those skills.

"(4) That with due regard to national security and military requirements, recognition will be given to participation in combat.

"(5) That members whose mobilization in an emergency would result in an extreme personal or community hardship are not retained in the Ready Reserve.

"(b) Under regulations to be prescribed by the Secretary of Defense, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a member of the Ready Reserve who is designated as a member not to be retained in the Ready Reserve as a result of screening under subsection (a) shall, as appropriate, be-

"(1) transferred to the Standby Reserve;

"(2) discharged; or

"(3) if the member is eligible and applies therefor, transferred to the Retired Reserve.

"§10150. Ready Reserve: transfer back from Standby Reserve

"Under regulations to be prescribed by the Secretary of Defense, and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, a member of the Standby Reserve who has not completed his required period of service in the Ready Reserve may be transferred to the Ready Reserve when the reason for his transfer to the Standby Reserve no longer exists.

"§10151. Standby Reserve: composition

"The Standby Reserve consists of those units or members, or both, of the reserve components, other than those in the Ready Reserve or Retired Reserve, who are liable for active duty only as provided in sections 12301 and 12306 of this title.

"§10152. Standby Reserve: inactive status list

"(a) An inactive status list shall be maintained in the Standby Reserve. Whenever an authority designated by the Secretary concerned considers that it is in the best interest of the armed force concerned, a member in the Standby Reserve who is not required to remain a Reserve, and who cannot participate in prescribed training, may, if qualified, be transferred to the inactive status list under regulations to be prescribed by the Secretary concerned. These regulations shall fix the conditions under which such a member is entitled to be returned to an active status.

"§10153. Standby Reserve: status of members

"While in an inactive status, a Reserve is not eligible for pay or promotion and (as provided in section 12734(a) of this title) does not accrue credit for years of service under chapter 1223 of this title.

"§10154. Retired Reserve

"The Retired Reserve consists of the following Reserves:

"(1) Reserves who are or have been retired under section 3911, 6323, or 8911 of this title or under section 291 of title 14.

"(2) Reserves who have been transferred to the Retired Reserve upon their request, retain their status as Reserves, and are otherwise qualified.

## "CHAPTER 1007-ADMINISTRATION OF RESERVE COMPONENTS

"Sec.

"10201. Assistant Secretary of Defense for Reserve Affairs.

"10202. Regulations.

"10203. Reserve affairs: designation of general or flag officer of each armed force.

"10204. Personnel records.

"10205. Members of Individual Ready Reserve: requirement of notification of change of status.

"10206. Members: periodic physical examinations.  
"10207. Mobilization forces: maintenance.  
"10208. Annual mobilization exercise.  
"10209. Regular and reserve components: discrimination prohibited.  
"10210. Dissemination of information.  
"10211. Policies and regulations: participation of reserve officers in preparation and administration.  
"10212. Gratuitous services of officers: authority to accept.  
"10213. Reserve components: dual membership prohibited.  
"10214. Adjutants general and assistant adjutants general: reference to other officers of National Guard.  
"10215. Officers of Army National Guard of the United States and Air National Guard of the United States: authority with respect to Federal status.

"§10201. Assistant Secretary of Defense for Reserve Affairs

"As provided in section 138(b)(2) of this title, the official in the Department of Defense with responsibility for overall supervision of reserve component affairs of the Department of Defense is the Assistant Secretary of Defense for Reserve Affairs.

"§10202. Regulations

"(a) Subject to standards, policies, and procedures prescribed by the Secretary of Defense, the Secretary of each military department shall prescribe such regulations as the Secretary considers necessary to carry out provisions of law relating to the reserve components under the Secretary's jurisdiction.

"(b) The Secretary of Transportation, with the concurrence of the Secretary of the Navy, shall prescribe such regulations as the Secretary considers necessary to carry out all provisions of law relating to the reserve components insofar as they relate to the Coast Guard, except when the Coast Guard is operating as a service in the Navy.

"(c) So far as practicable, regulations for all reserve components shall be uniform.

"§10203. Reserve affairs: designation of general or flag officer of each armed force

"(a) The Secretary of the Army may designate a general officer of the Army to be directly responsible for reserve affairs to the Chief of Staff of the Army.

"(b) The Secretary of the Navy may designate a flag officer of the Navy to be directly responsible for reserve affairs to the Chief of Naval Operations and a general officer of the Marine Corps to be directly responsible for reserve affairs to the Commandant of the Marine Corps.

"(c) The Secretary of the Air Force may designate a general officer of the Air Force to be directly responsible for reserve affairs to the Chief of Staff of the Air Force.

"(d) The Secretary of Transportation may designate a flag officer of the Coast Guard to be directly responsible for reserve affairs to the Commandant of the Coast Guard.

"(e) This section does not affect the functions of the Chief of the National Guard Bureau, the Chief of Army Reserve, or the Chief of Air Force Reserve.

"§10204. Personnel records

"(a) The Secretary concerned shall maintain adequate and current personnel records of each member of the reserve components under the Secretary's jurisdiction showing the following with respect to the member:

"(1) Physical condition.

"(2) Dependency status.



- "(3) Military qualifications.
- "(4) Civilian occupational skills.
- "(5) Availability for service.
- "(6) Such other information as the Secretary concerned may prescribe.

"(b) Under regulations to be prescribed by the Secretary of Defense, the Secretary of each military department shall maintain a record of the number of members of each class of each reserve component who, during each fiscal year, have participated satisfactorily in active duty for training and inactive duty training with pay.

"§10205. Members of Ready Reserve: requirement of notification of change of status

"(a) Each member of the Ready Reserve shall notify the Secretary concerned of any change in the member's address, marital status, number of dependents, or civilian employment and of any change in the member's physical condition that would prevent the member from meeting the physical or mental standards prescribed for the member's armed force.

"(b) This section shall be administered under regulations prescribed by the Secretary of Defense and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

"§10206. Members: periodic physical examinations

"(a) Each member of the Ready Reserve who is not on active duty shall-

- "(1) be examined as to his physical fitness every five years, or more often as the Secretary concerned considers necessary; and
- "(2) execute and submit annually to the Secretary concerned a certificate of physical condition.

Each Reserve in an active status, or on an inactive status list, who is not on active duty shall execute and submit annually to the Secretary concerned a certificate of physical condition.

"(b) The kind of duty to which a Reserve ordered to active duty may be assigned shall be considered in determining physical qualifications for active duty.

"§10207. Mobilization forces: maintenance

"(a) Whenever units or members of the reserve components are ordered to active duty (other than for training) during a period of partial mobilization, the Secretary concerned shall continue to maintain mobilization forces by planning and budgeting for the continued organization and training of the reserve components not mobilized, and make the fullest practicable use of the Federal facilities vacated by mobilized units, consistent with approved joint mobilization plans.

"(b) In this section, the term 'partial mobilization' means the mobilization resulting from action by Congress or the President, under any law, to bring units of any reserve component, and members not assigned to units organized to serve as units, to active duty for a limited expansion of the active armed forces.

"§10208. Annual mobilization exercise

"(a) The Secretary of Defense shall conduct at least one major mobilization exercise each year. The exercise should be as comprehensive and as realistic as possible and should include the participation of associated active component and reserve component units.

"(b) The Secretary shall maintain a plan to test periodically each active component and reserve component unit based in the United States and all interactions of such units, as well as the sustainment of the

forces mobilized as part of the exercise, with the objective of permitting an evaluation of the adequacy of resource allocation and planning.

"§10209. Regular and reserve components: discrimination prohibited

"Laws applying to both Regulars and Reserves shall be administered without discrimination-

"(1) among Regulars;

"(2) among Reserves; and

"(3) between Regulars and Reserves.

"§10210. Dissemination of information

"The Secretary of Defense shall require the complete and current dissemination, to all Reserves and to the public, of information of interest to the reserve components.

"§10211. Policies and regulations: participation of Reserve officers in preparation and administration

"Within such numbers and in such grades and assignments as the Secretary concerned may prescribe, each armed force shall have officers of its reserve components on active duty (other than for training) at the seat of government, and at headquarters responsible for reserve affairs, to participate in preparing and administering the policies and regulations affecting those reserve components. While so serving, such an officer is an additional number of any staff with which he is serving.

"§10212. Gratuitous services of officers: authority to accept

"Notwithstanding section 1342 of title 31, the Secretary of a military department may accept the gratuitous services of an officer of a reserve component under the Secretary's jurisdiction (other than an officer of the Army National Guard of the United States or the Air National Guard of the United States)-

"(1) in the furtherance of the enrollment, organization, and training of that officer's reserve component or the Reserve Officers' Training Corps; or

"(2) in consultation upon matters relating to the armed forces.

"§10213. Reserve components: dual membership prohibited

"Except as otherwise provided in this title, no person may be a member of more than one reserve component at the same time.

"§10214. Adjutants general and assistant adjutants general: reference to other officers of National Guard

"In any case in which, under the laws of a State, an officer of the National Guard of that jurisdiction, other than the adjutant general or an assistant adjutant general, normally performs the duties of that office, the references in sections 12004(b)(1), 12215, 12642(c), 14507(b), 14508(e), and 14512 of this title to the adjutant general or the assistant adjutant general shall be applied to that officer instead of to the adjutant general or assistant adjutant general.

"§10215. Officers of Army National Guard of the United States and Air National Guard of the United States: authority with respect to Federal status

"(a)(1) Officers of the Army National Guard of the United States who are not on active duty-

"(A) may order members of the Army National Guard of the United States to active duty for training under section 12301(d) of this title; and

"(B) with the approval of the Secretary of the Air Force, may order members of the Air National Guard of the United States to active duty for training under that section.

"(2) Officers of the Air National Guard of the United States who are not on active duty-

"(A) may order members of the Air National Guard of the United States to active duty for training under section 12301(d) of this title; and

"(B) with the approval of the Secretary of the Army, may order members of the Army National Guard of the United States to active duty for training under that section.

"(b) Officers of the Army National Guard of the United States or the Air National Guard of the United States who are not on active duty-

"(1) may enlist, reenlist, or extend the enlistments of persons as Reserves of the Army or Reserves of the Air Force for service in the Army National Guard of the United States or the Air National Guard of the United States, as the case may be; and

"(2) with respect to their Federal status, may promote or discharge persons enlisted or reenlisted as Reserves of the Army or Reserves of the Air Force for that service.

"(c) This section shall be carried out under regulations prescribed by the Secretary of the Army, with respect to matters concerning the Army, and by the Secretary of the Air Force, with respect to matters concerning the Air Force."

(2)(A) Sections 261 through 265 and 267 through 281 are repealed.

(B) Chapter 11 is amended by striking out the table of sections at the beginning and inserting in lieu thereof the following:

"Sec.

"261. Reference to chapters 1003, 1005, and 1007.

"§261. Reference to chapters 1003, 1005, and 1007

"Provisions of law relating to the reserve components generally, including provisions relating to the organization and administration of the reserve components, are set forth in chapter 1003 (beginning with section 10101), chapter 1005 (beginning with section 10141), and chapter 1007 (beginning with section 10201) of this title."

(3)(A) Chapter 519 and sections 652, 2001, 3076 through 3080, and 8076 through 8080 are repealed.

(B) Section 552(e) of Public Law 98-525 is repealed.

(4) Section 1004 is amended-

(A) by striking out subsections (a) and (b); and

(B) by striking out "(c)" before "Except as otherwise provided".

(5)(A) Section 10147(a), as added by paragraph (1), applies only to persons who were inducted, enlisted, or appointed in an armed force after August 9, 1955.

(B) Section 10148(b), as added by paragraph (1), applies only to persons who became members of the Army National Guard of the United States or the Air National Guard of the United States after October 4, 1961.

(b) Boards and Committees.-(1) Part I of subtitle E (as added by subsection (a)) is amended by adding at the end the following:

"CHAPTER 1009-RESERVE FORCES POLICY BOARDS AND COMMITTEES

"Sec.

"10301. Reserve Forces Policy Board.

"10302. Army Reserve Forces Policy Committee.  
"10303. Naval Reserve Policy Board.  
"10304. Marine Corps Reserve Policy Board.  
"10305. Air Force Reserve Forces Policy Committee.

"§10301. Reserve Forces Policy Board

"(a) There is in the Office of the Secretary of Defense a Reserve Forces Policy Board. The Board consists of the following:

"(1) A civilian chairman appointed by the Secretary of Defense.                      "(2) The Assistant Secretary of the Army for Manpower and Reserve Affairs, the Assistant Secretary of the Navy for Manpower and Reserve Affairs, and the Assistant Secretary of the Air Force for Manpower and Reserve Affairs.

"(3) An officer of the Regular Army designated by the Secretary of the Army.

"(4) An officer of the Regular Navy and an officer of the Regular Marine Corps, each designated by the Secretary of the Navy.

"(5) An officer of the Regular Air Force designated by the Secretary of the Air Force.

"(6) Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Army, two of whom must be members of the Army National Guard of the United States, and two of whom must be members of the Army Reserve.

"(7) Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Navy, two of whom must be members of the Naval Reserve, and two of whom must be members of the Marine Corps Reserve.

"(8) Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Air Force, two of whom must be members of the Air National Guard of the United States, and two of whom must be members of the Air Force Reserve.

"(9) A reserve officer of the Army, Navy, Air Force, or Marine Corps who is a general officer or flag officer designated by the Chairman of the Board with the approval of the Secretary of Defense, and who serves without vote as military adviser to the Chairman and as executive officer of the Board.

"(10) An officer of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps serving in a position on the Joint Staff who is designated by the Chairman of the Joint Chiefs of Staff.

"(b) Whenever the Coast Guard is not operating as a service in the Navy, the Secretary of Transportation may designate two officers of the Coast Guard, Regular or Reserve, to serve as voting members of the Board.

"(c) The Board, acting through the Assistant Secretary of Defense for Reserve Affairs, is the principal policy adviser to the Secretary of Defense on matters relating to the reserve components.

"(d) This section does not affect the committees on reserve policies prescribed within the military departments by sections 10302 through 10305 of this title.

"(e) A member of a committee or board prescribed under a section listed in subsection (d) may, if otherwise eligible, be a member of the Reserve Forces Policy Board.

"(f) The Board shall act on those matters referred to it by the Chairman and, in addition, on any matter raised by a member of the Board.

"§10303. Naval Reserve Policy Board

"A Naval Reserve Policy Board shall be convened at least once annually at the seat of government to consider, recommend, and report to the Secretary of the Navy on reserve policy matters. At least half of the members of the Board must be officers of the Naval Reserve.

"§10304. Marine Corps Reserve Policy Board

"A Marine Corps Reserve Policy Board shall be convened at least once annually at the seat of government to consider, recommend, and report to the Secretary of the Navy on reserve policy matters. At least half of the members of the Board must be officers of the Marine Corps Reserve."

(2)(A) Section 3021 is transferred to chapter 1009 (as added by paragraph (1)), inserted after section 10301, and redesignated as section 10302.

(B) Section 8021 is transferred to chapter 1009 (as added by paragraph (1)), inserted after section 10304, and redesignated as section 10305.

(3) The text of section 175 is amended to read as follows:

"There is in the Office of the Secretary of Defense a Reserve Forces Policy Board. The functions, membership, and organization of that board are set forth in section 10301 of this title."

(4)(A) Chapter 303 (as amended by paragraph (2)(A)) is amended by adding at the end the following:

"§3021. Army Reserve Forces Policy Committee

"There is in the Office of the Secretary of the Army an Army Reserve Forces Policy Committee. The functions, membership, and organization of that committee are set forth in section 10302 of this title."

(B) Chapter 803 (as amended by paragraph (2)(B)) is amended by adding at the end the following:

"§8021. Air Force Reserve Forces Policy Committee

"There is in the Office of the Secretary of the Air Force an Air Force Reserve Forces Policy Committee. The functions, membership, and organization of that committee are set forth in section 10305 of this title."

(c) National Guard Bureau.-(1)(A) Chapter 1011, as added by section 904(a), is amended by inserting after section 10506 the following:

"§10507. National Guard Bureau: assignment of officers of regular or reserve components

"Except as provided in section 124402(b) of this title, the President may assign to duty in the National Guard Bureau as many regular or reserve officers of the Army or Air Forces as he considers necessary."

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 10506 the following new item:

"10507. National Guard Bureau: assignment of officers of regular or reserve components."

(2) Sections 3541 and 8541 are repealed.

(d) Annual Reports to Congress.-(1) Part I of subtitle E, as added by subsection (a), is amended by adding after chapter 1011, as added by section 904(a), the following:

"CHAPTER 1013-BUDGET INFORMATION AND ANNUAL REPORTS TO CONGRESS

"Sec.

"10541. National Guard and reserve component equipment: annual report to Congress.

"10542. Army National Guard combat readiness: annual report."

(2)(A) Section 115b is transferred to chapter 1013, as added by paragraph (1), inserted after the table of sections, and redesignated as section 10541.

(B) The heading of that section is amended to read as follows:

"§10541. National Guard and reserve component equipment: annual report to Congress".

(3) Section 3082 is transferred to chapter 1013, as added by paragraph (1), inserted after section 10541 (as transferred and redesignated by paragraph (2)), redesignated as section 10542, and amended by striking out the word in the section heading before the colon and by striking out subsection (c).

## SEC. 1662. LAWS RELATING TO RESERVE COMPONENT PERSONNEL POLICY.

(a) Strength and Distribution in Grade.-(1) Subtitle E, as added by section 1611, is amended by inserting after part I of such subtitle, as added by section 1661, the following:

### "PART II-PERSONNEL GENERALLY

"Chap.	Sec.
"1201. Authorized Strengths and Distribution in Grade	12001
"1203. Enlisted Members	12101
"1205. Appointment of Reserve Officers	12201
"1207. Warrant Officers	12241
"1209. Active Duty	12301
"1211. National Guard Members in Federal Service	12401
"1213. Special Appointments, Assignments, Details, and Duties	12501
"1215. Miscellaneous Prohibitions and Penalties	[No present sections]
"1217. Miscellaneous Rights and Benefits	12601
"1219. Standards and Procedures for Retention and Promotion	12641
"1221. Separation	12681
"1223. Retired Pay for Non-Regular Service	12731
"1225. Retired Grade	12771

### "CHAPTER 1201-AUTHORIZED STRENGTHS AND DISTRIBUTION IN GRADE

"Sec.

"12001. Authorized strengths: reserve components.

"12002. Authorized strengths: Army and Air Force reserve components, exclusive of members on active duty.

"12003. Authorized strengths: commissioned officers active status.

"12004. Strength in grade: reserve general and flag officers in an active status.

"12005. Strength in grade: commissioned officers in grades below brigadier general or rear admiral (lower half) in an active status.

"12006. Strength limitations: authority to waive in time of war or national emergency.

"12007. Reserve officers of the Army: distribution.

"12008. Army Reserve and Air Force Reserve: warrant officers.

"12009. Army and Air Force reserve components: temporary increases.

"12010. Computations for Naval Reserve and Marine Corps Reserve: rule when fraction occurs in final result.

"12011. Authorized strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard.

"12012. Authorized strengths: senior enlisted members on active duty or on full-time National Guard duty for administration of the reserves or the National Guard.

"§12001. Authorized strengths: reserve components

"(a) Whenever the authorized strength of a reserve component (other than the Coast Guard Reserve) is not prescribed by law, it shall be prescribed by the President.

"(b) Subject to the authorized strength of the reserve component concerned, the authorized strength of each reserve component (other than the Coast Guard Reserve) in members in each grade is that which the Secretary concerned determines to be necessary to provide for mobilization requirements. The Secretary shall review these determinations at least once each year and revise them if he considers it necessary. However, a member of the reserve component concerned may not, as a result of such a determination, be reduced in the member's reserve grade without the member's consent.

"§12002. Authorized strengths: Army and Air Force reserve components, exclusive of members on active duty

"(a) The authorized strengths of the National Guard and the reserve components of the Army and the Air Force, exclusive of members who are included in the strengths authorized for members of the Army and Air Force, respectively, on active duty, are as follows:

"Army National Guard and the Army National Guard of the United States	600,00005
"Army Reserve	980,00005
"Air National Guard and the Air National Guard of the United States	150,00005
"Air Force Reserve	500,000.

"(b) The strength authorized by this section for the Army National Guard and the Army National Guard of the United States, and the strength authorized by this section for the Air National Guard and the Air National Guard of the United States, shall be allocated among the States.

"§12003. Authorized strengths: commissioned officers in an active status

"(a) The authorized strengths of the Army, Navy, Air Force, and Marine Corps in reserve commissioned officers, other than commissioned warrant officers and officers on an active-duty list, in an active status are as follows:

"Army	275,00005
"Air Force	200,00005
"Navy	150,00005
"Marine Corps	24,500.

"(b) The authorized strengths prescribed by subsection (a) may not be exceeded unless-

"(1) the Secretary concerned determines that a greater number is necessary for planned mobilization requirements; or

"(2) the excess results directly from the operation of a nondiscretionary provision of law.

"§12004. Strength in grade: reserve general and flag officers in an active status

"(a) The authorized strengths of the Army, Air Force, and Marine Corps in reserve general officers in an active status, and the authorized strength of the Navy in reserve officers in the grades of rear admiral (lower half) and rear admiral in an active-status, are as follows:

"Army	20705
"Air Force	15705

"Navy	4805
"Marine Corps	10.

"(b) The following Army and Air Force reserve officers shall not be counted for purposes of this section:

"(1) Those serving as adjutants general or assistant adjutants general of a State.

"(2) Those serving in the National Guard Bureau.

"(3) Those counted under section 526 of this title.

"(c)(1) The authorized strength of the Navy under subsection (a) is exclusive of officers counted under section 526 of this title. Of the number authorized under subsection (a), 39 are distributed among the line and the staff corps as follows:

"Line	2805
"Medical Corps	505
"Chaplain Corps	105
"Judge Advocate General's Corps	105
"Dental Corps	205
"Nurse Corps	105
"Medical Service Corps	105

"(2) The remaining authorizations for the Navy under subsection (a) shall be distributed among such other staff corps as are established by the Secretary of the Navy under the authority provided by section 5150(b) of this title, except that-

"(A) if the Secretary has established a Supply Corps, the authorized strength for the Supply Corps shall be seven; and

"(B) if the Secretary has established a Civil Engineering Corps, the authorized strength for the Civil Engineering Corps shall be two.

"(3) Not more than 50 percent of the officers in an active status authorized under this section for the Navy may serve in the grade of rear admiral.

"(d) The authorized strength of the Marine Corps under subsection (a) is exclusive of those counted under section 526 of this title.

"(e)(1) A reserve general officer of the Army or Air Force may not be reduced in grade because of a reduction in the number of general officers authorized under subsection (a).

"(2) An officer of the Naval Reserve or the Marine Corps Reserve may not be reduced in permanent grade because of a reduction in the number authorized by this section for his grade.

"§12005. Strength in grade: commissioned officers in grades below brigadier general or rear admiral (lower half) in an active status

"(a)(1) Subject to paragraph (2), the authorized strength of the Army and the Air Force in reserve commissioned officers in an active status in each grade named in paragraph (2) is as prescribed by the Secretary of the Army or the Secretary of the Air Force, respectively. A vacancy in any grade may be filled by an authorized appointment in any lower grade.

"(2) A strength prescribed by the Secretary concerned under paragraph (1) for a grade may not be higher than the percentage of the strength authorized for the Army or the Air Force, as the case may be, under section 12003 of this title that is specified for that grade as follows:



Grade	Army percentage	Air Force percentage
Colonel	2	1.8
Lieutenant colonel	6	4.6
Major	13	14.0
Captain	35	32.0
First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under section 12004 of this title)	44	47.6

"(b)(1) The authorized strengths of the Naval Reserve in line officers in an active status in the grades of captain, commander, lieutenant commander, and lieutenant, and in the grades of lieutenant (junior grade) and ensign combined, are the following percentages of the total authorized number of those officers:

"Captain	1.5 percent05
"Commander	7 14PERCENT05
"Lieutenant commander	22 14PERCENT05
"Lieutenant	37 14PERCENT05
"Lieutenant (junior grade) and ensign (when combined with the number authorized for flag officer grades under section 12004 of this title)	32.5 percent.

"(2) When the actual number of line officers in an active status in any grade is less than the number authorized by paragraph (1) for that grade, the difference may be applied to increase the number authorized by that paragraph for any lower grade or grades.

"(c)(1) The authorized strengths of the Marine Corps Reserve in officers in an active status in the grades of colonel, lieutenant colonel, major, and captain, and in the grades of first lieutenant and second lieutenant combined, are the following percentages of the total authorized number of those officers:

"Colonel	2 14PERCENT05
"Lieutenant colonel	6 14PERCENT05
"Major	12 14PERCENT05
"Captain	35 14PERCENT05
"First lieutenant and second lieutenant (when combined with the number authorized for general officer grades under section 12004 of this title)	32.5 percent.

"(2) When the actual number of officers in an active status in any grade is less than the number authorized by paragraph (1) for that grade, the difference may be applied to increase the number authorized by that paragraph for any lower grade or grades.

"(d)(1) An officer of the Army or Air Force may not be reduced in grade because of a reduction in the number of commissioned officers authorized for the officer's grade under this section.

"(2) An officer of the Naval Reserve or the Marine Corps Reserve may not be reduced in permanent grade because of a reduction in the number authorized by this section for his grade.

"§12006. Strength limitations: authority to waive in time of war or national emergency

"(a) In time of war, or of national emergency declared by Congress or the President, the President may suspend the operation of any provision of section 12003, 12004, or 12005 of this title. So long as any such war or national emergency continues, any such suspension may be extended by the President.

"(b) Any suspension under subsection (a) shall, if not sooner ended, end on the last day of the two-year period beginning on the date on which the suspension (or the last extension thereof) takes effect or on the last day of the one-year period beginning on the date of the termination of the war or national emergency,

whichever occurs first. With respect to the end of any such suspension, the preceding sentence supersedes the provisions of title II of the National Emergencies Act (50 U.S.C. 1621, 1622) which provide that powers or authorities exercised by reason of a national emergency shall cease to be exercised after the date of termination of the emergency.

"§12007. Reserve officers of the Army: distribution

"The Secretary of the Army shall distribute the number of reserve commissioned officers, other than commissioned warrant officers, authorized in each commissioned grade between those assigned to reserve units organized to serve as units and those not assigned to such units. The Secretary shall distribute the number who are assigned to reserve units organized to serve as units among the units of each reserve component by prescribing appropriate tables of organization and tables of distribution. The Secretary shall distribute the number who are not assigned to such units between-

"(1) each special branch; and

"(2) all other branches taken together.

"§12008. Army Reserve and Air Force Reserve: warrant officers

"The Secretary of the Army may prescribe the authorized strength of the Army Reserve in warrant officers. The Secretary of the Air Force may prescribe the authorized strength of the Air Force Reserve in warrant officers.

"§12009. Army and Air Force reserve components: temporary increases

"(a) The authorized strength in any reserve grade, as prescribed under this chapter, for any reserve component under the jurisdiction of the Secretary of the Army or the Secretary of the Air Force is automatically increased to the minimum extent necessary to give effect to each appointment made in that grade under section 1211(a), 3036, 14304(b), 14314, or 14317 of this title.

"(b) An authorized strength so increased is increased for no other purpose. While an officer holds that grade, the officer whose appointment caused the increase is counted for the purpose of determining when other appointments, not under those sections, may be made in that grade.

"§12010. Computations for Naval Reserve and Marine Corps Reserve: rule when fraction occurs in final result

"When there is a fraction in the final result of any computation under this chapter for the Naval Reserve or the Marine Corps Reserve, a fraction of one-half or more is counted as one, and a fraction of less than one-half is disregarded.

"§12012. Authorized strengths: senior enlisted members on active duty or on full-time National Guard duty for administration of the reserves or National Guard

"(a) The number of enlisted members in pay grades E-8 and E-9 who may be on active duty (other than for training) or on full-time National Guard duty under the authority of section 502(f) of title 32 (other than for training) as of the end of any fiscal year in connection with organizing, administering, recruiting, instructing, or training the reserve components or the National Guard may not exceed the number for that grade and armed force in the following table:

	Grade	Army	Navy	Air Force	Marine Corps
E-9		14569	202	328	14
E-8		2,585	429	840	74

"(b) Whenever the number of members serving in pay grade E-9 for duty described in subsection (a) is less than the number authorized for that grade under subsection (a), the difference between the two numbers may be applied to increase the number authorized under such subsection for pay grade E-8."

(2)(A) Section 524 is transferred to chapter 1201, as added by paragraph (1), inserted after section 12010, and redesignated as section 12011.

(B) The heading of that section is amended to read as follows:

"§12011. Authorized strengths: reserve officers on active duty or on full-time National Guard duty for administration of the reserves or the National Guard".

(3) Chapter 531 and sections 3212, 3217 through 3225, 5454, 5456, 5457, 5458, 8212, and 8217 through 8225 are repealed.

(4) Section 517 is amended-

(A) by striking out subsection (b); and

(B) by redesignating subsection (c) as subsection (b) and in that subsection striking out "or whenever" and all that follows through "under subsection (b),".

(b) Enlistments.-(1) Part II of subtitle E, as added by subsection (a), is amended by adding after chapter 1201 (as added by subsection (a)), the following:

#### "CHAPTER 1203-ENLISTED MEMBERS

"Sec.

"12101. Definition.

"12102. Reserve components: qualifications.

"12103. Reserve components: terms.

"12104. Reserve components: transfers.

"12105. Army Reserve and Air Force Reserve: transfer from Guard components.

"12106. Army and Air Force Reserve: transfer to upon withdrawal as member of National Guard.

"12107. Army National Guard of United States; Air National Guard of the United States: enlistment in.

"§12101. Definition

"In this chapter, the term `enlistment' means original enlistment or reenlistment.

"§12105. Army Reserve and Air Force Reserve: transfer from Guard components

"(a) Under such regulations as the Secretary concerned may prescribe-

"(1) an enlisted member of the Army National Guard of the United States may be transferred in grade to the Army Reserve; and

"(2) an enlisted member of the Air National Guard of the United States may be transferred in grade to the Air Force Reserve.

"(b) Upon such a transfer, the member transferred is eligible for promotion to the highest regular or reserve grade ever held by him in the Army, if transferred under subsection (a)(1), or the Air Force, if transferred under subsection (a)(2), if his service has been honorable.

"(c) A transfer under this section may only be made with the consent of the governor or other appropriate authority of the State concerned.

"§12106. Army and Air Force Reserve: transfer to upon withdrawal as member of National Guard

"(a) An enlisted member of the Army National Guard of the United States who ceases to be a member of the Army National Guard becomes a member of the Army Reserve unless he is also discharged from his enlistment as a Reserve.

"(b) An enlisted member of the Air National Guard of the United States who ceases to be a member of the Air National Guard becomes a member of the Air Force Reserve unless he is also discharged from his enlistment as a Reserve.

"(c) An enlisted member who becomes a member of the Army Reserve or the Air Force Reserve under this section ceases to be a member of the Army National Guard of the United States or the Air National Guard of the United States, as the case may be.

"§12107. Army National Guard of United States; Air National Guard of the United States: enlistment in

"(a) Except as provided in subsection (c), to become an enlisted member of the Army National Guard of the United States or the Air National Guard of the United States, a person must-

"(1) be enlisted in the Army National Guard or the Air National Guard, as the case may be;

"(2) subscribe to the oath set forth in section 304 of title 32; and

"(3) be a member of a federally recognized unit or organization of the Army National Guard or the Air National Guard, as the case may be, in the grade in which he is to be enlisted as a Reserve.

"(b)(1) Under regulations to be prescribed by the Secretary of the Army, a person who enlists in the Army National Guard, or whose term of enlistment in the Army National Guard is extended, shall be concurrently enlisted, or his term of enlistment shall be concurrently extended, as the case may be, as a Reserve of the Army for service in the Army National Guard of the United States.

"(2) Under regulations to be prescribed by the Secretary of the Air Force, a person who enlists in the Air National Guard, or whose term of enlistment in the Air National Guard is extended, shall be concurrently enlisted, or his term of enlistment shall be concurrently extended, as the case may be, as a Reserve of the Air Force for service in the Air National Guard of the United States.

"(c)(1) A member of the Army Reserve who enlists in the Army National Guard in his reserve grade, and is a member of a federally recognized unit or organization of the Army National Guard, becomes a member of the Army National Guard of the United States and ceases to be a member of the Army Reserve.

"(2) A member of the Air Force Reserve who enlists in the Air National Guard in his reserve grade, and is a member of a federally recognized unit or organization of the Air National Guard, becomes a member of the Air National Guard of the United States and ceases to be a member of the Air Force Reserve."

(2) Sections 510 (as amended by section 1631(a)), 511, and 512 are transferred to chapter 1203, as added by paragraph (1), inserted after section 12101, and redesignated as follows:

	Redesignated Section	section
510	12102	
511	12103	
512	12104	

(3) The following sections are repealed: sections 3259, 3260, 3261, 8259, 8260, and 8261.

(c) Appointment of Officers.-(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1203 (as added by subsection (b)) the following:

"CHAPTER 1205-APPOINTMENT OF RESERVE OFFICERS

"Sec.

"12201. Qualifications for appointment.

"12202. Commissioned officer grades.

"12203. Commissioned officers: appointment, how made; term.

"12204. Commissioned officers: original appointment; limitation.

"12205. Commissioned officers: appointment; educational requirement.

"12206. Commissioned officers: appointment of former commissioned officers.

"12207. Commissioned officers: service credit upon original appointment.

"12208. Officers: appointment upon transfer.

"12209. Officer candidates: enlisted Reserves.

"12210. Attending Physician to the Congress: reserve grade while so serving.

"12211. Officers: Army National Guard of United States.

"12212. Officers: Air National Guard of United States.

"12213. Officers; Army Reserve: transfer from Army National Guard of United States.

"12214. Officers; Air Force Reserve: transfer from Air National Guard of United States.

"12215. Commissioned officers: reserve grade of adjutants general and assistant adjutants general.

"§12215. Commissioned officers: reserve grade of adjutants general and assistant adjutants general

"(a) The adjutant general or an assistant adjutant general of the Army National Guard of a State may, upon being extended Federal recognition, be appointed as a reserve officer of the Army as of the date on which he is so recognized.

"(b) The adjutant general or an assistant adjutant general of the Air National Guard of a State may be appointed in the reserve commissioned grade in which Federal recognition in the Air National Guard is extended to him."

(2) Sections 591 (as amended by section 1631(b)), 592, 593 (as amended by section 1632), 594, 596, 596a (as added by section 1633), 596b (as added by section 1634), and 595 are transferred (in that order) to chapter 1205, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	Redesignated section
591	12201
592	12202
593	12203
594	12204
596	12205
596a (as added by section 1633)	12206
596b (as added by section 1634)	12207
595	12208

(3) Sections 600, 600a, 3351, 8351, 3352 (as amended by section 1636(a)), and 8352 are transferred (in that order) to chapter 1205, as added by paragraph (1), inserted after section 12208, and redesignated as follows:

Section	Redesignated section
600	12209
600a	12210
3351	12211
8351	12212
3352	12213

(d) Warrant Officers.-(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1205 (as added by subsection (c)) the following:

"CHAPTER 1207-WARRANT OFFICERS

"Sec.

"12241. Warrant officers: grades; appointment, how made; term.

"12242. Warrant officers: promotion.

"12243. Warrant officers: suspension of laws for promotions or mandatory retirement or separation during war or emergency.".

(2) Sections 597, 598, and 599 are transferred to chapter 1207, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	Redesignated section
597	12241
598	12242
599	12243

(3) Chapter 34 is amended to read as follows:

"CHAPTER 34-APPOINTMENTS AS RESERVE OFFICERS

"Sec.

"591. Reference to chapters 1205 and 1207.

"§591. Reference to chapters 1205 and 1207

"Provisions of law relating to appointments of reserve officers other than warrant officers are set forth in chapter 1205 of this title (beginning with section 12201). Provisions of law relating to appointments and promotion of reserve warrant officers are set forth in chapter 1207 (beginning with section 12241)."

(e) Active Duty.-(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1207 (as added by subsection (d)) the following:

"CHAPTER 1209-ACTIVE DUTY

"Sec.

"12301. Reserve components generally.

"12302. Ready Reserve.

"12303. Ready Reserve: members not assigned to, or participating satisfactorily in, units.

"12304. Selected Reserve: order to active duty other than during war or national emergency.

"12305. Authority of President to suspend certain laws relating to promotion, retirement, and separation.

"12306. Standby Reserve.

"12307. Retired Reserve.

"12308. Retention on active duty after becoming qualified for retired pay.

"12309. Reserve officers: use of in expansion of armed forces.

"12310. Reserves: for organizing, administering, etc., reserve components.

"12311. Active duty agreements.

"12312. Active duty agreements: release from duty.

"12313. Reserves: release from active duty.

"12314. Reserves: kinds of duty.

"12315. Reserves: duty with or without pay.

"12316. Payment of certain Reserves while on duty.  
 "12317. Reserves: theological students; limitations.  
 "12318. Reserves on active duty: duties; funding.  
 "12319. Ready Reserve: muster duty.  
 "12320. Reserve officers: grade in which ordered to active duty.  
 "12321. Reserve Officer Training Corps units: limitation on number of Reserves assigned."

(2) Sections 672 through 673a, section 673b (as amended by section 511), sections 673c through 687, section 689 (as amended by section 1625), and section 690 are transferred to chapter 1209, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	Redesignated section
672	12301
673	12302
673a	12303
673b	12304
673c	12305
674	12306
675	12307
676	12308
677	12309
678	12310
679	12311
680	12312
681	12313
682	12314
683	12315
684	12316
685	12317
686	12318
687	12319
689	12320
690	12321

(3) The heading of section 12321 (as so redesignated) is amended to read as follows:

"§12321. Reserve Officer Training Corps units: limitation on number of Reserves assigned".

(4) Chapter 39 is amended by inserting after section 671b the following:

"§672. Reference to chapter 1209

"Provisions of law relating to service of members of reserve components on active duty are set forth in chapter 1209 of this title (beginning with section 12301).".

(f) National Guard Members in Federal Service.-(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1209 (as added by subsection (e)) the following:

#### "CHAPTER 1211-NATIONAL GUARD MEMBERS IN FEDERAL SERVICE

"Sec.

"12401. Army and Air National Guard of United States: status.

"12402. Army and Air National Guard of United States: commissioned officers; duty in National Guard Bureau.

"12403. Army and Air National Guard of United States: members; status in which ordered into Federal service.

"12404. Army and Air National Guard of United States: mobilization; maintenance of organization.

"12405. National Guard in Federal service: status.

"12406. National Guard in Federal service: call.

"12407. National Guard in Federal service: period of service; apportionment.

"12408. National Guard in Federal service: physical examination.

"§12401. Army and Air National Guard of the United States: status

"Members of the Army National Guard of the United States and the Air National Guard of the United States are not in active Federal service except when ordered thereto under law.

"§12402. Army and Air National Guard of United States: commissioned officers; duty in National Guard Bureau

"(a) The President may, with their consent, order commissioned officers of the Army National Guard of the United States and the Air National Guard of the United States to active duty in the National Guard Bureau.

"(b)(1) The number of officers of the Army National Guard of the United States in grades below brigadier general who are ordered to active duty in the National Guard Bureau may not be more than 40 percent of the number of officers of the Army authorized for duty in that Bureau and, to the extent practicable, shall not exceed 40 percent of the number of officers of the Army serving in that Bureau in any grade below brigadier general.

"(2) The number of officers of the Air National Guard of the United States in grades below brigadier general who are ordered to active duty in the National Guard Bureau may not be more than 40 percent of the number of officers of the Air Force authorized for duty in that Bureau and, to the extent practicable, shall not exceed 40 percent of the number of officers of the Air Force serving in that Bureau in any grade below brigadier general.

"§12403. Army and Air National Guard of United States: members; status in which ordered into Federal service

"Members of the Army National Guard of the United States ordered to active duty shall be ordered to duty as Reserves of the Army. Members of the Air National Guard of the United States ordered to active duty shall be ordered to duty as Reserves of the Air Force.

"§12404. Army and Air National Guard of United States: mobilization; maintenance of organization

"During an initial mobilization, the organization of a unit of the Army National Guard of the United States or of the Air National Guard of the United States ordered into active Federal service shall, so far as practicable, be maintained as it existed on the date of the order to duty.

"§12405. National Guard in Federal service: status

"Members of the National Guard called into Federal service are, from the time when they are required to respond to the call, subject to the laws and regulations governing the Army or the Air Force, as the case may be, except those applicable only to members of the Regular Army or Regular Air Force, as the case may be.

"§12406. National Guard in Federal service: call



"Whenever-

"(1) the United States, or any of the Territories, Commonwealths, or possessions, is invaded or is in danger of invasion by a foreign nation;

"(2) there is a rebellion or danger of a rebellion against the authority of the Government of the United States; or

"(3) the President is unable with the regular forces to execute the laws of the United States;

the President may call into Federal service members and units of the National Guard of any State in such numbers as he considers necessary to repel the invasion, suppress the rebellion, or execute those laws. Orders for these purposes shall be issued through the governors of the States or, in the case of the District of Columbia, through the commanding general of the National Guard of the District of Columbia.

"§12407. National Guard in Federal service: period of service; apportionment

"(a) Whenever the President calls the National Guard of a State into Federal service, he may specify in the call the period of the service. Members and units called shall serve inside or outside the territory of the United States during the term specified, unless sooner relieved by the President. However, no member of the National Guard may be kept in Federal service beyond the term of his commission or enlistment.

"(b) When the National Guard of a State is called into Federal service with the National Guard of another of those jurisdictions, the President may apportion the total number called from the Army National Guard or from the Air National Guard, as the case may be, on the basis of the populations of the jurisdictions affected by the call.

"§12408. National Guard in Federal service: physical examination

"(a) Under regulations prescribed by the President, each member of the National Guard called into Federal service shall be examined as to physical fitness, without further commission or enlistment.

"(b) Immediately before such a member is mustered out of Federal service, he shall be examined as to physical fitness. The record of this examination shall be retained by the United States."

(2) Sections 3495 through 3502 and 8495 through 8502 are repealed.

(g) Miscellaneous Provisions.-(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1211 (as added by subsection (f)) the following:

## "CHAPTER 1213-SPECIAL APPOINTMENTS, ASSIGNMENTS, DETAILS, AND DUTIES

"Sec.

"12501. Reserve components: detail of members of regular and reserve components to assist.

"12502. Chief and assistant chief of staff of National Guard divisions and wings in Federal service: detail.

"§12501. Reserve components: detail of members of regular and reserve components to assist

"The Secretary concerned shall detail such members of the regular and reserve components under his jurisdiction as are necessary to effectively develop, train, instruct, and administer those reserve components.

"§12502. Chief and assistant chief of staff of National Guard divisions and wings in Federal service: detail

"(a) The President may detail a regular or reserve officer of the Army as chief of staff, and a regular or reserve officer or an officer of the Army National Guard as assistant to the chief of staff, of any division of the Army National Guard that is in Federal service as an Army National Guard organization.

"(b) The President may detail a regular or reserve officer of the Air Force as chief of staff, and a regular or reserve officer or an officer of the Air National Guard as assistant to the chief of staff, of any wing of the Air National Guard that is in Federal service as an Air National Guard organization.

## "CHAPTER 1215-MISCELLANEOUS PROHIBITIONS AND PENALTIES

"[NO PRESENT SECTIONS]

## "CHAPTER 1217-MISCELLANEOUS RIGHTS AND BENEFITS

"Sec.

"12601. Compensation: Reserve on active duty accepting from any person.

"12602. Members of Army National Guard of United States and Air National Guard of United States: credit for service as members of National Guard.

"§12601. Compensation: Reserve on active duty accepting from any person

"Any Reserve who, before being ordered to active duty, was receiving compensation from any person may, while he is on that duty, receive compensation from that person.

"§12602. Members of Army National Guard of United States and Air National Guard of United States: credit for service as members of National Guard

"(a) For the purposes of laws providing benefits for members of the Army National Guard of the United States and their dependents and beneficiaries-

"(1) military training, duty, or other service performed by a member of the Army National Guard of the United States in his status as a member of the Army National Guard for which he is entitled to pay from the United States shall be considered military training, duty, or other service, as the case may be, in Federal service as a Reserve of the Army;

"(2) full-time National Guard duty performed by a member of the Army National Guard of the United States shall be considered active duty in Federal service as a Reserve of the Army; and

"(3) inactive-duty training performed by a member of the Army National Guard of the United States in his status as a member of the Army National Guard, in accordance with regulations prescribed under section 502 of title 32 or other express provision of law, shall be considered inactive-duty training in Federal service as a Reserve of the Army.

"(b) For the purposes of laws providing benefits for members of the Air National Guard of the United States and their dependents and beneficiaries-

"(1) military training, duty, or other service performed by a member of the Air National Guard of the United States in his status as a member of the Air National Guard for which he is entitled to pay from the United States shall be considered military training, duty, or other service, as the case may be, in Federal service as a Reserve of the Air Force;

"(2) full-time National Guard duty performed by a member of the Air National Guard of the United States shall be considered active duty in Federal service as a Reserve of the Air Force; and

"(3) inactive-duty training performed by a member of the Air National Guard of the United States in his status as a member of the Air National Guard, in accordance with regulations prescribed under section 502 of title 32 or other express provision of law, shall be considered inactive-duty training in Federal service as a Reserve of the Air Force."

(2) Sections 715, 1033, 3542, 3686, 8542, and 8686 are repealed.

(h) Standards and Procedures for Retention and Promotion.-(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1217 (as added by subsection (g)) the following:

"CHAPTER 1219-STANDARDS AND PROCEDURES FOR RETENTION AND PROMOTION

"Sec.

"12641. Standards and procedures: Secretary to prescribe.

"12642. Standards and qualifications: result of failure to comply with.

"12643. Boards for appointment, promotion, and certain other purposes: composition.

"12644. Members physically not qualified for active duty: discharge or transfer to retired status.

"12645. Commissioned officers: retention until completion of required service.

"12646. Commissioned officers: retention of after completing 18 or more, but less than 20, years of service.

"12647. Commissioned officers: retention in active status while assigned to Selective Service System or serving as United States property and fiscal officers."

(2) Sections 1001, 1002, 266, 1004 (as amended by section 1661(b)(4)), and 1005 through 1007 are transferred (in that order) to chapter 1219, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

	RedesignatedSection	section
1001	12641	
1002	12642	
266	12643	
1004	12644	
1005	12645	
1006	12646	
1007	12647	

(3) Section 1003 is repealed.

(4)(A) The heading of section 12641 (as so redesignated) is amended to read as follows:

"§12641. Standards and procedures: Secretary to prescribe".

(B) The heading of section 12644 (as so redesignated) is amended to read as follows:

"§12644. Members physically not qualified for active duty: discharge or transfer to retired status".

(5) Chapter 51 is amended by striking out the table of sections at the beginning and inserting in lieu thereof the following:

"Sec.

"1001. Reference to chapter 1219.

"§1001. Reference to chapter 1219

"Provisions of law relating to standards and procedures for retention and promotion of members of reserve components are set forth in chapter 1219 of this title (beginning with section 12641).".

(i) Separation.-(1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1219 (as added by subsection (h)) the following:

"CHAPTER 1221-SEPARATION

"Sec.

"12681. Reserves: discharge authority.

"12682. Reserves: discharge upon becoming ordained minister of religion.

"12683. Reserve officers: limitation on involuntary separation.

"12684. Reserves: separation for absence without authority or sentence to imprisonment.

"12685. Reserves separated for cause: character of discharge.

"12686. Reserves on active duty within two years of retirement eligibility: limitation on release from active duty.

"§12681. Reserves: discharge authority

"Subject to other provisions of this title, reserve commissioned officers may be discharged at the pleasure of the President. Other Reserves may be discharged under regulations prescribed by the Secretary concerned.

"§12682. Reserves: discharge upon becoming ordained minister of religion

"Under regulations to be prescribed by the Secretary of Defense, a Reserve who becomes a regular or ordained minister of religion is entitled upon his request to a discharge from his reserve enlistment or appointment.

"§12683. Reserve officers: limitation on involuntary separation

"(a) An officer of a reserve component who has at least five years of service as a commissioned officer may not be separated from that component without his consent except-

"(1) under an approved recommendation of a board of officers convened by an authority designated by the Secretary concerned; or

"(2) by the approved sentence of a court-martial.

"(b) Subsection (a) does not apply-

"(1) to a separation under section 12684, 14901, or 14907 of this title;

"(2) to a dismissal under section 1161(a) of this title; or

"(3) to a transfer under section 12213, 12214, 14514, or 14515 of this title.

"§12684. Reserves: separation for absence without authority or sentence to imprisonment

"The President or the Secretary concerned may drop from the rolls of the armed force concerned any Reserve-

"(1) who has been absent without authority for at least three months; or

"(2) who is sentenced to confinement in a Federal or State penitentiary or correctional institution after having been found guilty of an offense by a court other than a court-martial or other military court, and whose sentence has become final.

"§12685. Reserves separated for cause: character of discharge

"A member of a reserve component who is separated for cause, except under section 12684 of this title, is entitled to a discharge under honorable conditions unless-

"(1) the member is discharged under conditions other than honorable under an approved sentence of a court-martial or under the approved findings of a board of officers convened by an authority designated by the Secretary concerned; or

"(2) the member consents to a discharge under conditions other than honorable with a waiver of proceedings of a court-martial or a board.

"§12686. Reserves on active duty within two years of retirement eligibility: limitation on release from active duty

"Under regulations to be prescribed by the Secretary concerned, which shall be as uniform as practicable, a member of a reserve component who is on active duty (other than for training) and is within two years of becoming eligible for retired pay or retainer pay under a purely military retirement system, may not be involuntarily released from that duty before he becomes eligible for that pay, unless the release is approved by the Secretary."

(2) Sections 1162 and 1163 are repealed.

(j) Retired Pay.-(1) Chapter 67 is transferred to part II of subtitle E, as added by subsection (a), inserted after chapter 1221 (as added by subsection (i)), and amended to read as follows:

#### "CHAPTER 1223-RETIRED PAY FOR NON-REGULAR SERVICE

"Sec.

"12731. Age and service requirements.

"12731a. Temporary special retirement qualification authority.

"12732. Entitlement to retired pay: computation of years of service.

"12733. Computation of retired pay: computation of years of service.

"12734. Time not creditable toward years of service.

"12735. Inactive status list.

"12736. Service credited for retired pay benefits not excluded for other benefits.

"12737. Limitation on active duty.

"12738. Limitations on revocation of retired pay.

"12739. Computation of retired pay.

"§12731. Age and service requirements

"(a) Except as provided in subsection (c), a person is entitled, upon application, to retired pay computed under section 12739 of this title, if the person-

"(1) is at least 60 years of age;

"(2) has performed at least 20 years of service computed under section 12732 of this title;

"(3) performed the last eight years of qualifying service while a member of any category named in section 12732(a)(1) of this title, but not while a member of a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve; and

"(4) is not entitled, under any other provision of law, to retired pay from an armed force or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve.

"(b) Application for retired pay under this section must be made to the Secretary of the military department, or the Secretary of Transportation, as the case may be, having jurisdiction at the time of application over the armed force in which the applicant is serving or last served.

"(c)(1) A person who, before August 16, 1945, was a Reserve of an armed force, or a member of the Army without component or other category covered by section 12732(a)(1) of this title except a regular component, is not eligible for retired pay under this chapter unless-

"(A) the person performed active duty during World War I or World War II; or

"(B) the person performed active duty (other than for training) during the Korean conflict, the Berlin crisis, or the Vietnam era.

"(2) In this subsection:

"(A) The term `World War I' means the period beginning on April 6, 1917, and ending on November 11, 1918.

"(B) The term `World War II' means the period beginning on September 9, 1940, and ending on December 31, 1946.

"(C) The term `Korean conflict' means the period beginning on June 27, 1950, and ending on July 27, 1953.

"(D) The term `Berlin crisis' means the period beginning on August 14, 1961, and ending on May 30, 1963.

"(E) The term `Vietnam era' means the period beginning on August 5, 1964, and ending on March 27, 1973.

"(d) The Secretary concerned shall notify each person who has completed the years of service required for eligibility for retired pay under this chapter. The notice shall be sent, in writing, to the person concerned within one year after the person completes that service. The notice shall include notice of the elections available to such person under the Survivor Benefit Plan established under subchapter II of chapter 73 of this title and the Supplemental Survivor Benefit Plan established under subchapter III of that chapter, and the effects of such elections.

"(e) Notwithstanding section 8301 of title 5, the date of entitlement to retired pay under this section shall be the date on which the requirements of subsection (a) have been completed.

"(f) In the case of a person who completes the service requirements of subsection (a)(2) during the period beginning on the date of the enactment of this subsection and ending on September 30, 1999, the provisions of subsection (a)(3) shall be applied by substituting `the last six years' for `the last eight years'.

"§12731a. Temporary special retirement qualification authority

"(a) Retirement With At Least 15 Years of Service.-For the purposes of section 12731 of this title, the Secretary concerned may-

"(1) during the period described in subsection (b), determine to treat a member of the Selected Reserve of a reserve component of the armed force under the jurisdiction of that Secretary as having met the service requirements of subsection (a)(2) of that section and provide the member with the notification required by subsection (d) of that section if the member-

"(A) as of October 1, 1991, has completed at least 15, and less than 20, years of service computed under section 12732 of this title; or

"(B) after that date and before October 1, 1999, completes 15 years of service computed under that section; and

"(2) upon the request of the member submitted to the Secretary, transfer the member to the Retired Reserve.

"(b) Period of Authority.-The period referred to in subsection (a)(1) is the period beginning on October 23, 1992, and ending on October 1, 1999.

"(c) Applicability Subject to Needs of the Service.- (1) The Secretary concerned may limit the applicability of subsection (a) to any category of personnel defined by the Secretary in order to meet a need of the armed force under the jurisdiction of the Secretary to reduce the number of members in certain grades, the number of members who have completed a certain number of years of service, or the number of members who possess certain military skills or are serving in designated competitive categories.

"(2) A limitation under paragraph (1) shall be consistent with the purpose set forth in section 4414(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2713).

"(3) Notwithstanding the provisions of section 4415(2) of the Defense Conversion Reinvestment, and Transition Assistance Act of 1992 (division D of Public Law 102-484; 106 Stat. 2714), the Secretary concerned may, consistent with the other provisions of this section, provide the notification required by section 12731(d) of this title to a member who no longer meets the qualifications for membership in the Selected Reserve solely because the member is unfit because of physical disability. Such notification may not

be made if the disability is the result of the member's intentional misconduct, willful neglect, or willful failure to comply with standards and qualifications for retention established by the Secretary concerned or was incurred during a period of unauthorized absence.

"(d) Exclusion.-This section does not apply to persons referred to in section 12731(c) of this title.

"(e) Regulations.-The authority provided in this section shall be subject to regulations prescribed by the Secretary of Defense and by the Secretary of Transportation with respect to the Coast Guard.

"§12732. Entitlement to retired pay: computation of years of service

"(a) Except as provided in subsection (b), for the purpose of determining whether a person is entitled to retired pay under section 12731 of this title, the person's years of service are computed by adding the following:

"(1) The person's years of service, before July 1, 1949, in the following:

"(A) The armed forces.

"(B) The federally recognized National Guard before June 15, 1933.

"(C) A federally recognized status in the National Guard before June 15, 1933.

"(D) The National Guard after June 14, 1933, if his service therein was continuous from the date of his enlistment in the National Guard, or his Federal recognition as an officer therein, to the date of his enlistment or appointment, as the case may be, in the National Guard of the United States, the Army National Guard of the United States, or the Air National Guard of the United States.

"(E) The Naval Reserve Force.

"(F) The Naval Militia that conformed to the standards prescribed by the Secretary of the Navy.

"(G) The National Naval Volunteers.

"(H) The Army Nurse Corps, the Navy Nurse Corps, the Nurse Corps Reserve of the Army, or the Nurse Corps Reserve of the Navy, as it existed at any time after February 2, 1901.

"(I) The Army under an appointment under the Act of December 22, 1942 (ch. 805, 56 Stat. 1072).

"(J) An active full-time status, except as a student or apprentice, with the Medical Department of the Army as a civilian employee-

"(i) in the dietetic or physical therapy categories, if the service was performed after April 6, 1917, and before April 1, 1943; or

"(ii) in the occupational therapy category, if the service was performed before appointment in the Army Nurse Corps or the Women's Medical Specialist Corps and before January 1, 1949, or before appointment in the Air Force before January 1, 1949, with a view to designation as an Air Force nurse or medical specialist.

"(2) Each one-year period, after July 1, 1949, in which the person has been credited with at least 50 points on the following basis:

"(A) One point for each day of-

"(i) active service; or

"(ii) full-time service under sections 316, 502, 503, 504, and 505 of title 32 while performing annual training duty or while attending a prescribed course of instruction at a school designated as a service school by law or by the Secretary concerned; if that service conformed to required standards and qualifications.

"(B) One point for each attendance at a drill or period of equivalent instruction that was prescribed for that year by the Secretary concerned and conformed to the requirements prescribed by law, including attendance under section 502 of title 32.

"(C) Points at the rate of 15 a year for membership-

"(i) in a reserve component of an armed force,

"(ii) in the Army or the Air Force without component, or

"(iii) in any other category covered by subsection (a)(1) except a regular component.

For the purpose of clauses (A), (B), and (C), service in the National Guard shall be treated as if it were service in a reserve component, if the person concerned was later appointed in the National Guard of the United States, the Army National Guard of the United States, the Air National Guard of the United States, or as a Reserve of the Army or the Air Force, and served continuously in the National Guard from the date of his Federal recognition to the date of that appointment.

"(3) The person's years of active service in the Commissioned Corps of the Public Health Service.

"(4) The person's years of active commissioned service in the National Oceanic and Atmospheric Administration (including active commissioned service in the Environmental Science Services Administration and in the Coast and Geodetic Survey).

"(b) The following service may not be counted under subsection (a):

"(1) Service (other than active service) in an inactive section of the Organized Reserve Corps or of the Army Reserve, or in an inactive section of the officers' section of the Air Force Reserve.

"(2) Service (other than active service) after June 30, 1949, while on the Honorary Retired List of the Naval Reserve or of the Marine Corps Reserve.

"(3) Service in the inactive National Guard.

"(4) Service in a non-federally recognized status in the National Guard.

"(5) Service in the Fleet Reserve or the Fleet Marine Corps Reserve.

"(6) Service as an inactive Reserve nurse of the Army Nurse Corps established by the Act of February 2, 1901 (ch. 192, 31 Stat. 753), as amended, and service before July 1, 1938, as an inactive Reserve nurse of the Navy Nurse Corps established by the Act of May 13, 1908 (ch. 166, 35 Stat. 146).

"(7) Service in any status other than that as commissioned officer, warrant officer, nurse, flight officer, aviation midshipman, appointed aviation cadet, or enlisted member, and that described in clauses (I) and (J) of subsection (a)(1).

#### "§12733. Computation of retired pay: computation of years of service

"For the purpose of computing the retired pay of a person under this chapter, the person's years of service and any fraction of such a year are computed by dividing 360 into the sum of the following:

"(1) The person's days of active service.

"(2) The person's days of full-time service under sections 316, 502, 503, 504, and 505 of title 32 while performing annual training duty or while attending a prescribed course of instruction at a school designated as a service school by law or by the Secretary concerned.

"(3) One day for each point credited to the person under clause (B) or (C) of section 12732(a)(2) of this title, but not more than 60 days in any one year.

"(4) 50 days for each year before July 1, 1949, and proportionately for each fraction of a year, of service (other than active service) in a reserve component of an armed force, in the Army or the Air Force without component, or in any other category covered by section 12732(a)(1) of this title, except a regular component.

#### "§12734. Time not creditable toward years of service

"(a) Service in an inactive status may not be counted in any computation of years of service under this chapter.

"(b) Time spent after retirement (without pay) for failure to conform to standards and qualifications prescribed under section 12641 of this title may not be credited in a computation of years of service under this chapter.



"§12735. Inactive status list

"(a) A member who would be eligible for retired pay under this chapter but for the fact that that member is under 60 years of age may be transferred, at his request and by direction of the Secretary concerned, to such inactive status list as may be established for members of his armed force, other than members of a regular component.

"(b) While on an inactive status list under subsection (a), a member is not required to participate in any training or other program prescribed for his component.

"(c) The Secretary may at any time recall to active status a member who is on an inactive status list under subsection (a).

"§12736. Service credited for retired pay benefits not excluded for other benefits

"No period of service included wholly or partly in determining a person's right to, or the amount of, retired pay under this chapter may be excluded in determining his eligibility for any annuity, pension, or old-age benefit, under any other law, on account of civilian employment by the United States or otherwise, or in determining the amount payable under that law, if that service is otherwise properly credited under it.

"§12737. Limitation on active duty

"A member of the armed forces may not be ordered to active duty solely for the purpose of qualifying the member for retired pay under this chapter.

"§12738. Limitations on revocation of retired pay

"(a) After a person is granted retired pay under this chapter, or is notified in accordance with section 12731(d) of this title that the person has completed the years of service required for eligibility for retired pay under this chapter, the person's eligibility for retired pay may not be denied or revoked on the basis of any error, miscalculation, misinformation, or administrative determination of years of service performed as required by section 12731(a)(2) of this title, unless it resulted directly from the fraud or misrepresentation of the person.

"(b) The number of years of creditable service upon which retired pay is computed may be adjusted to correct any error, miscalculation, misinformation, or administrative determination and when such a correction is made the person is entitled to retired pay in accordance with the number of years of creditable service, as corrected, from the date the person is granted retired pay.

"§12739. Computation of retired pay

"(a) The monthly retired pay of a person entitled to that pay under this chapter is the product of-

"(1) the retired pay base for that person as computed under section 1406(b)(2) or 1407 of this title; and

"(2)  $2\frac{1}{2}$  percent of the years of service credited to that person under section 12733 of this title.

"(b) The amount computed under subsection (a) may not exceed 75 percent of the retired pay base upon which the computation is based.

"(c) Amounts computed under this section, if not a multiple of \$1, shall be rounded down to the next lower multiple of \$1."

(2) Section 1401(a) is amended by striking out formula number 3 in the table set forth in that section.

(3) Section 1405(a)(3) is amended by striking out "section 1333" and "section 1331" and inserting in lieu thereof "section 12733" and "section 12731", respectively.

(4) Section 1406(b) is amended-

(A) by striking out the matter preceding the table and inserting in lieu thereof the following:

"(b) Retirement Under Subtitle A or E.-

"(1) Disability, warrant officer, and dopma retirement.-In the case of a person whose retired pay is computed under this subtitle, the retired pay base is determined in accordance with the following table.";

(B) in the table-

(i) by striking out the entry relating to section 1331 (including the matter relating to that entry in the column under the heading "The retired pay base is:"); and

(ii) by redesignating the references to footnotes 3 and 4 so as to refer to footnotes 2 and 3, respectively;

(C) by striking out footnote 2 to the table and redesignating footnotes 3 and 4 as footnotes 2 and 3, respectively; and

(D) by adding at the end the following:

"(2) Non-regular service retirement.-In the case of a person who is entitled to retired pay under section 12731 of this title, the retired pay base is the monthly basic pay, determined at the rates applicable on the date when retired pay is granted, of the highest grade held satisfactorily by the person at any time in the armed forces. For purposes of the preceding sentence, the highest grade in which a person served satisfactorily as an officer shall be determined in accordance with section 1370(d) of this title.".

(5) Section 1407 is amended-

(A) in subsection (c)(2)(B), by striking out "chapter 67" and inserting in lieu thereof "chapter 1223"; and

(B) in subsection (f)(2)-

(i) by striking out "Chapter 67" in the heading and inserting in lieu thereof "Chapter 1223"; and

(ii) by striking out "section 1331" and inserting in lieu thereof "section 12731".

(6) Section 1409(a)(1)(B) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(7) Part II of subtitle A is amended by inserting after chapter 65 the following:

#### "CHAPTER 67-RETIRED PAY FOR NONREGULAR SERVICE

"Sec.

"1331. Reference to chapter 1223.

"§1331. Reference to chapter 1223

"Provisions of law relating to retired pay for nonregular service are set forth in chapter 1223 of this title (beginning with section 12731).".

(8) Section 6034 is repealed.

(k) Retired Grade.- (1) Part II of subtitle E, as added by subsection (a), is further amended by adding after chapter 1223 (as added by subsection (j)) the following:

## "CHAPTER 1225-RETIRED GRADE

"Sec.

"12771. Reserve officers: grade on transfer to Retired Reserve.

"12772. Reserve commissioned officers who have served as Attending Physician to the Congress: grade on transfer to Retired Reserve.

"12773. Limitation on accrual of increased pay or benefits.

"12774. Retired lists.

"§12771. Reserve officers: grade on transfer to Retired Reserve

"Unless entitled to a higher grade under another provision of law, a reserve commissioned officer, other than a commissioned warrant officer, who is transferred to the Retired Reserve is entitled to be placed on the retired list established by section 12774(a) of this title in the highest grade in which he served satisfactorily, as determined by the Secretary concerned and in accordance with section 1370(d), in the armed force in which he is serving on the date of transfer.

"§12772. Reserve commissioned officers who have served as Attending Physician to the Congress: grade on transfer to Retired Reserve

"Unless entitled to a higher grade under another provision of law, a reserve commissioned officer who is transferred to the Retired Reserve after having served in the position of Attending Physician to the Congress is entitled to be placed on the retired list established by section 12774(a) of this title in the grade held by the officer while serving in that position.

"§12773. Limitation on accrual of increased pay or benefits

"Unless otherwise provided by law, no person is entitled to increased pay or other benefits because of sections 12771 and 12772 of this title.

"§12774. Retired lists

"(a) Under regulations prescribed by the Secretary concerned, there shall be maintained retired lists containing the names of the Reserves of the armed forces under the Secretary's jurisdiction who are in the Retired Reserve.

"(b) The Secretary of the Navy shall maintain a United States Naval Reserve Retired List containing the names of members of the Naval Reserve and the Marine Corps Reserve entitled to retired pay."

(2) Sections 1374 and 6017 are repealed.

(3)(A) Section 1376 is amended-

(i) by striking out subsection (a); and

(ii) by striking out "(b)" before "The Secretary concerned".

(B) The heading of that section is amended to read as follows:

"§1376. Temporary disability retired lists".

SEC. 1663. LAWS RELATING TO RESERVE COMPONENT TRAINING AND EDUCATIONAL ASSISTANCE PROGRAMS.

(a) Training Generally.-Subtitle E, as added by section 1611, is amended by adding after part III of such subtitle (as added by that section) the following:

"PART IV-TRAINING FOR RESERVE COMPONENTS AND EDUCATIONAL ASSISTANCE  
PROGRAMS

"Chap.	Sec.
"1601. Training Generally	[No present sections]
"1606. Educational Assistance for Members of the Selected Reserve	16131
"1608. Health Professions Stipend Program	16201
"1609. Education Loan Repayments	16301

"CHAPTER 1601-TRAINING GENERALLY

"[NO PRESENT SECTIONS]".

(b) Montgomery GI Bill for Selected Reserve.-(1) Part IV of subtitle E (as added by subsection (a)) is amended by adding at the end the following:

"CHAPTER 1606-EDUCATIONAL ASSISTANCE FOR MEMBERS OF THE SELECTED RESERVE

"Sec.  
"16131. Educational assistance program: establishment; amount.  
"16132. Eligibility for educational assistance.  
"16133. Time limitations for use of entitlement.  
"16134. Termination of assistance.  
"16135. Failure to participate satisfactorily; penalties.  
"16136. Administration of program.  
"16137. Reports to Congress."

(2) Sections 2131 through 2137 are transferred to chapter 1606, as added by paragraph (1), inserted after the table of sections, and redesignated as follows:

Section	Redesignated section
2131	16131
2132	16132
2133	16133
2134	16134
2135	16135
2136	16136
2137	16137

(3) Section 16131 (as so redesignated) is amended-  
    (A) in subsection (c)(3)(B)(i), by striking out "section 672 (a), (d), or (g), 673, or 673b" and inserting in lieu thereof "section 12301(a), 12301(d), 12301(g), 12302, or 12304"; and  
    (B) in subsection (g)(1), by striking out "section 2136(c)" and inserting in lieu thereof "section 16136(c)".

(4) Section 16132 (as so redesignated) is amended-  
    (A) in subsection (a), by striking out "section 2131" and inserting in lieu thereof "section 16131"; and  
    (B) in subsection (c), by striking out "sections 2134 and 2135" and inserting in lieu thereof "section 16134 and 16135".

(5) Section 16133 (as so redesignated) is amended-

(A) in subsection (b)(1)(B), by striking out "section 268(b)" and inserting in lieu thereof "section 10143(a)"; and

(B) in subsection (b)(4)(A), by striking out "section 672 (a), (d), or (g), 673, or 673b" and inserting in lieu thereof "section 12301(a), 12301(d), 12301(g), 12302, or 12304".

(6) Section 16135 (as so redesignated) is amended-

(A) by striking out "section 2132" in subsection (a)(1)(A) and inserting in lieu thereof "section 16132"; and

(B) by striking out "section 2132(a)" in subsection (b)(1)(A) and inserting in lieu thereof "section 16132(a)".

(7) Chapter 106 is amended by striking out the table of sections at the beginning and inserting in lieu thereof the following:

"Sec.  
"2131. Reference to chapter 1606.  
"2138. Savings provision.

"§2131. Reference to chapter 1606

"Provisions of law relating to educational assistance for members of the Selected Reserve under the Montgomery GI Bill program are set forth in chapter 1606 of this title (beginning with section 16131).".

(c) Health Professions Stipend Program.-(1) Part IV of subtitle E (as added by subsection (a)) is amended by adding after chapter 1606 (as added by subsection (b)) the following:

#### "CHAPTER 1608-HEALTH PROFESSIONS STIPEND PROGRAM

"Sec.  
"16201. Financial assistance: health-care professionals in reserve components.  
"16202. Reserve service: required active duty for training.  
"16203. Penalties and limitations.  
"16204. Regulations.

"§16204. Regulations

"This chapter shall be administered under regulations prescribed by the Secretary of Defense.".

(2) Section 2128 is transferred to chapter 1608, as added by paragraph (1), inserted after the table of sections, redesignated as section 16201, and amended by striking out subsection (f).

(3) Section 2129 is transferred to chapter 1608, as added by paragraph (1), inserted after section 16201 (as transferred and redesignated by paragraph (2)), and redesignated as section 16202.

(4)(A) Section 2130 is transferred to chapter 1608, as added by paragraph (1), inserted after section 16202 (as transferred and redesignated by paragraph (3)), redesignated as section 16203, and amended by striking out subsection (c).

(B) The heading of that section is amended to read as follows:

"§16203. Penalties and limitations".

(5) Section 16201, as so redesignated, is amended by striking out "subchapter" each place it appears and inserting in lieu thereof "chapter".

(6) Section 16202, as so redesignated, is amended by striking out "section 2128" both places it appears and inserting in lieu thereof "section 16201".

(7) Chapter 105 is amended-

(A) in the table of subchapters before subchapter I-

(i) by striking out the item relating to subchapter II; and

(ii) by redesignating the item relating to subchapter III so as to refer to subchapter II;

(B) by striking out the heading for subchapter II and the table of sections following that heading;

and

(C) by redesignating subchapter III as subchapter II.

(d) Education Loan Repayment Programs.-(1) Part IV of subtitle E (as added by subsection (a)) is amended by adding after chapter 1608 (as added by subsection (c)) the following:

#### "CHAPTER 1609-EDUCATION LOAN REPAYMENT PROGRAMS

"Sec.

"16301. Education loan repayment program: enlisted members of Selected Reserve with critical specialties.

"16302. Education loan repayment program: health professions officers serving in Selected Reserve with wartime critical medical skill shortages.

"§16301. Education loan repayment program: enlisted members of Selected Reserve with critical specialties

"(a)(1) Subject to the provisions of this section, the Secretary of Defense may repay-

"(A) any loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.); or

"(B) any loan made under part E of such title (20 U.S.C. 1087aa et seq.).

Repayment of any such loan shall be made on the basis of each complete year of service performed by the borrower.

"(2) The Secretary may repay loans described in paragraph (1) in the case of any person for service performed as an enlisted member of the Selected Reserve of the Ready Reserve of an armed force in a reserve component and military specialty specified by the Secretary of Defense. The Secretary may repay such a loan only if the person to whom the loan was made performed such service after the loan was made.

"(b) The portion or amount of a loan that may be repaid under subsection (a) is 15 percent or \$500, whichever is greater, for each year of service.

"(c) If a portion of a loan is repaid under this section for any year, interest on the remainder of the loan shall accrue and be paid in the same manner as is otherwise required.

"(d) Nothing in this section shall be construed to authorize refunding any repayment of a loan.

"(e) A person who transfers from service making the person eligible for repayment of loans under this section (as described in subsection (a)(2)) to service making the person eligible for repayment of loans under section 2171 of this title (as described in subsection (a)(2) of that section) during a year shall be eligible to have repaid a portion of such loan determined by giving appropriate fractional credit for each portion of the year so served, in accordance with regulations of the Secretary concerned.

"(f) The Secretary of Defense shall, by regulation, prescribe a schedule for the allocation of funds made available to carry out the provisions of this section and section 2171 of this title during any year for which funds are not sufficient to pay the sum of the amounts eligible for repayment under subsection (a) and section 2171(a) of this title."

(2)(A) Section 2172 is transferred to the end of chapter 1609, as added by paragraph (1), and redesignated as section 16302.

(B) The heading of such section is amended to read as follows:

"§16302. Education loan repayment program: health professions officers serving in Selected Reserve with wartime critical medical skill shortages".

(e) Conforming Amendments.-Section 2171 is amended as follows:

(1) Subsection (a)(1)(B) is amended by striking out "or" after "(B)".

(2) Subsection (a)(2) is amended-

(A) in the first sentence, by striking out "person for-" and all that follows through "(B) service performed" and inserting in lieu thereof "person for service performed"; and

(B) by striking out the second sentence.

(3) Subsection (b) is amended to read as follows:

"(b) The portion or amount of a loan that may be repaid under subsection (a) is 33 1/3 percent or \$1,500, whichever is greater, for each year of service."

(4) Subsection (e) is amended by striking out "Any individual who transfers from service described in clause (A) or (B) of subsection (a)(2) to service described in the other clause of such subsection" and inserting in lieu thereof "A person who transfers from service making the person eligible for repayment of loans under this section (as described in subsection (a)(2)) to service making the person eligible for repayment of loans under section 16301 of this title (as described in subsection (a)(2) of that section)".

(5) Subsection (f) is amended-

(A) by inserting "and section 16301 of this title" after "this section"; and

(B) by inserting "and section 16301(a) of this title" after "subsection (a)".

(6) The heading of such section is amended to read as follows:

"§2171. Education loan repayment program: enlisted members on active duty in specified military specialties".

#### SEC. 1664. LAWS RELATING TO RESERVE COMPONENT PROCUREMENT AND EQUIPMENT.

(a) Addition of New Part.-(1) Subtitle E, as added by section 1611, is amended by adding after part IV of such subtitle (as added by section 1663) the following:

#### "PART V-SERVICE, SUPPLY, AND PROCUREMENT

"Chap.

	Sec.	
"1801. Issue of Serviceable Material to Reserve Components	[No present	sections]
"1803. Facilities for Reserve Components	18231	
"1805. Miscellaneous Provisions	18501	

#### "CHAPTER 1801-ISSUE OF SERVICEABLE MATERIAL TO RESERVE COMPONENTS

"[NO PRESENT SECTIONS]".

(b) Facilities for Reserve Components.-(1) Chapter 133 is transferred to the end of part V of subtitle E, as added by subsection (a), and redesignated as chapter 1803.

(2) The sections of that chapter are redesignated as follows:

Section	Redesignated section
2231	1823108
2232	1823208
2233	1823308
2233a	18233a
2234	1823408
2235	1823508
2236	1823608
2237	1823708
2238	1823808
2239	1823908

(3) The items in the table of sections at the beginning of such chapter are revised to reflect the redesignations made by paragraph (2).

(4) Section 18233 (as redesignated by paragraph (2)) is amended by striking out "sections 2233a, 2234, 2235, 2236, and 2238" in subsection (a) and inserting in lieu thereof "sections 18233a, 18234, 18235, 18236, and 18238".

(5) Section 18233a (as redesignated by paragraph (2)) is amended-

(A) in subsection (a), by striking out "section 2233" and inserting in lieu thereof "section 18233"; and

(B) in subsection (b), by striking out "section 2233(a)" and inserting in lieu thereof "section 18233(a)".

(6) Section 18234 (as redesignated by paragraph (2)) is amended by striking out "section 2233" and inserting in lieu thereof "section 18233".

(7) Section 18235 (as redesignated by paragraph (2)) is amended by striking out "section 2233(a)(1)" in subsection (a)(1) and inserting in lieu thereof "section 18233".

(8) Section 18236 (as redesignated by paragraph (2)) is amended-

(A) in subsection (a)-

(i) by striking out "section 2233" in the first sentence and inserting in lieu thereof "section 18233"; and

(ii) by striking out "section 2233(a)(3) or (4)" in the second sentence and inserting in lieu thereof "paragraph (3) or (4) of section 18233(a)";

(B) in subsection (b)-

(i) by striking out "clause (4) or (5) of section 2233(a)" in the matter preceding paragraph (1) and inserting in lieu thereof "paragraph (4) or (5) of section 18233(a)"; and

(ii) by striking out "section 2233(e)" in paragraph (2) and inserting in lieu thereof "section 18233(e)"; and

(C) in subsection (c), by striking out "section 2233" and inserting in lieu thereof "section 18233".

(9) Section 18237 (as redesignated by paragraph (2)) is amended-

(A) in subsection (a), by striking out "section 2233(a)(2), (3) and (4)" and inserting in lieu thereof "paragraph (2), (3), or (4) of section 18233(a)"; and

(B) in subsection (b), by striking out "section 2233(a)(2), (3) or (4)" and inserting in lieu thereof "paragraph (2), (3), or (4) of section 18233(a)".

(10) Section 18239 (as redesignated by paragraph (2)) is amended by striking out "section 2233" both places it appears and inserting in lieu thereof "section 18233".



(11) Part IV of subtitle A is amended by inserting after chapter 131 the following:

"CHAPTER 133-FACILITIES FOR RESERVE COMPONENTS

"Sec.

"2231. Reference to chapter 1803.

"§2231. Reference to chapter 1803

"Provisions of law relating to facilities for reserve components are set forth in chapter 1803 of this title (beginning with section 18231).".

(c) Miscellaneous Provisions.-(1) Part V of subtitle E, as added by subsection (a), is amended by adding after chapter 1803, as transferred by subsection (b), the following:

"CHAPTER 1805-MISCELLANEOUS PROVISIONS

"Sec.

"18501. Reserve components: personnel and logistic support by military departments.

"18502. Reserve components: supplies, services, and facilities.

"§18501. Reserve components: personnel and logistic support by military departments

"The Secretary concerned is responsible for providing the personnel, equipment, facilities, and other general logistic support necessary to enable units and Reserves in the Ready Reserve of the reserve components under his jurisdiction to satisfy the training requirements and mobilization readiness requirements for those units and Reserves as recommended by the Secretary concerned and by the Chairman of the Joint Chiefs of Staff and approved by the Secretary of Defense, and as recommended by the Commandant of the Coast Guard and approved by the Secretary of Transportation when the Coast Guard is not operated as a service of the Navy.

"§18502. Reserve components: supplies, services, and facilities

"(a) The Secretary concerned shall make available to the reserve components under his jurisdiction the supplies, services, and facilities of the armed forces under his jurisdiction that he considers necessary to support and develop those components.

"(b) Whenever he finds it to be in the best interest of the United States, the Secretary concerned may issue supplies of the armed forces under his jurisdiction to the reserve components under his jurisdiction, without charge to the appropriations for those components for the cost or value of the supplies or for any related expense.

"(c) Whenever he finds it to be in the best interest of the United States, the Secretary of the Army or the Secretary of the Air Force may issue to the Army National Guard or the Air National Guard, as the case may be, supplies of the armed forces under his jurisdiction that are in addition to supplies issued to that National Guard under section 702 of title 32 or charged against its appropriations under section 106 or 107 of title 32, without charge to the appropriations for those components for the cost or value of the supplies or for any related expense.

"(d) Supplies issued under subsection (b) or (c) may be repossessed or redistributed as prescribed by the Secretary concerned.".

(2) Section 2540 is repealed.

SEC. 1665. LEGISLATIVE CONSTRUCTION.

(a) References to Transferred or Replaced Provisions.-A reference to a provision of title 10, United States Code, transferred or replaced by the provisions of sections 1661 through 1664 (including a reference in a regulation, order, or other law) shall be treated as referring to that provision as transferred or to the corresponding provision as so enacted by this subtitle.

(b) Savings Provision for Regulations.-A regulation, rule, or order in effect under a provision of title 10, United States Code, replaced by a provision of that title enacted by sections 1661 through 1664 shall continue in effect under the corresponding provision so enacted until repealed, amended, or superseded.

(c) General Savings Provision.-An action taken, or a right that matured, under a provision of title 10, United States Code, replaced by a provision of that title enacted by sections 1661 through 1664 shall be treated as having been taken, or having matured, under the corresponding provision so enacted.

#### SUBTITLE D-TECHNICAL AND CLERICAL AMENDMENTS

##### SEC. 1671. AMENDMENTS TO SUBTITLE A OF TITLE 10, UNITED STATES CODE.

(a) Table of Subtitles.-The table of subtitles preceding subtitle A is amended by adding at the end the following new item:

"E. Reserve Components 10001".

(b) Tables of Sections.-

(1) The table of sections at the beginning of chapter 2 is amended by striking out the item relating to section 115b.

(2) The table of sections at the beginning of chapter 3 is amended by striking out the item relating to section 123 and inserting in lieu thereof the following:

"123. Authority to suspend officer personnel laws during war or national emergency.".

(3) The table of sections at the beginning of chapter 31 is amended by striking out the items relating to sections 510, 511, 512, and 517.

(4) The table of sections at the beginning of chapter 32 is amended-

(A) by striking out the item relating to section 524; and

(B) by striking out "524," in the item relating to section 527.

(5) The table of sections at the beginning of subchapter V of chapter 36 is amended by striking out the item relating to section 644.

(6) The table of sections at the beginning of chapter 37 is amended by striking out the item relating to section 652.

(7) The table of sections at the beginning of chapter 39 is amended-

(A) by striking out the item relating to section 672 and inserting in lieu thereof the following:

"672. Reference to chapter 1209.";

and

(B) by striking out the items relating to section 673 through 686 and section 689.

(8) The table of sections at the beginning of chapter 41 is amended by striking out the item relating to section 715.

(9) The table of sections at the beginning of chapter 53 is amended by striking out the item relating to section 1033.

(10) The table of sections at the beginning of chapter 59 is amended by striking out the items relating to sections 1162 and 1163.

(11) The table of sections at the beginning of chapter 69 is amended-

(A) by striking out the item relating to section 1374; and

(B) by striking out the item relating to section 1376 and inserting in lieu thereof the following:

"1376. Temporary disability retired lists."

(12) The table of sections at the beginning of chapter 101 is amended by striking out the item relating to section 2001.

(13) The table of sections at the beginning of chapter 109 is amended by striking out the items relating to sections 2171 and 2172 and inserting in lieu thereof the following:

"2171. Education loan repayment program: enlisted members on active duty in specified military specialties."

(14) The table of sections at the beginning of subchapter I of chapter 152 is amended by striking out the item relating to section 2540.

(c) Cross-Reference Amendments-

(1) Section 101(a)(13) is amended by striking out "672(a), 673, 673b, 673c, 688, 3500, or 8500" and inserting in lieu thereof "688, 12301(a), 12302, 12304, 12305, or 12406".

(2) Section 113(c)(3) is amended by striking out "chapters 51, 337, 361, 363, 549, 573, 837, 861, and 863 of this title, as far as they apply to reserve officers" and inserting in lieu thereof "chapters 1219 and 1401 through 1411 of this title".

(3) Section 523(b)(1) is amended-

(A) in subparagraph (B), by striking out "section 265" and all that follows through "of this title" and inserting in lieu thereof "section 10211, 10302 through 10305, or 12402 of this title";

(B) in subparagraph (C), by striking out "section 672(d)" and inserting in lieu thereof "section 12301(d)"; and

(C) in subparagraph (E), by striking out "section 673b" and inserting in lieu thereof "section 12304".

(4) Section 527 is amended by striking out "524," in the text and in the heading.

(5) Section 641(1) is amended-

(A) in subparagraph (B), by striking out "section 175" and all that follows through "of this title" and inserting in lieu thereof "section 3038, 8038, 10211, 10301 through 10305, 10501, or 12402 of this title";

(B) in subparagraph (C), by striking out "section 672(d)" and inserting in lieu thereof "section 12301(d)"; and

(C) in subparagraph (E), by striking out "section 673b" and inserting in lieu thereof "section 12304".

(6) Sections 1201, 1202, and 1203 are each amended by striking out "section 270(b)" and inserting in lieu thereof "section 10148(a)".

(7)(A) Section 1076(b)(2)(A) is amended by striking out "under chapter 67 of this title" and inserting in lieu thereof "under chapter 1223 of this title (or under chapter 67 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

(B) Section 1370(a)(1) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(8) Section 1482(f)(2) is amended by striking out "section 1332" and "section 1331" and inserting in lieu thereof "section 12732" and "12731", respectively.

(d) Survivor Benefit Plan.-Subchapter II of chapter 73 is amended as follows:

(1) Section 1447(14) is amended by striking out "chapter 67 of this title" and inserting in lieu thereof "chapter 1223 of this title (or under chapter 67 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

(2) The following provisions are amended by striking out "section 1331(d)" and inserting in lieu thereof "section 12731(d)": sections 1447(2)(C), 1448(a)(2)(B), 1448(f)(1)(A), and 1448(f)(1)(B).

#### SEC. 1672. AMENDMENTS TO SUBTITLE B OF TITLE 10, UNITED STATES CODE.

(a) Tables of Chapters.-The table of chapters at the beginning of subtitle B, and the table of chapters at the beginning of part II of that subtitle, are each amended by striking out the items relating to chapters 337, 361, and 363.

(b) Tables of Sections.-

(1) The table of sections at the beginning of chapter 307 is amended by striking out the items relating to section 3076 through 3080 and section 3082.

(2) The table of sections at the beginning of chapter 331 is amended by striking out the items relating to section 3212 and sections 3217 through 3225.

(3) The table of sections at the beginning of chapter 333 is amended by striking out the items relating to sections 3259, 3260, and 3261.

(4) The table of sections at the beginning of chapter 341 is amended by striking out the items relating to sections 3495 through 3502.

(5) The table of sections at the beginning of chapter 343 is amended by striking out the items relating to sections 3541 and 3542.

(6) The table of sections at the beginning of chapter 353 is amended by striking out the item relating to section 3686.

(c) Cross Reference Amendments.-

(1) Section 3038(b) is amended by striking out "section 265" and inserting in lieu thereof "section 10211".

(2) Section 3961(a) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(3) Section 4342(b)(1)(B) is amended by striking out "section 1331 of this title" and inserting in lieu thereof "section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

#### SEC. 1673. AMENDMENTS TO SUBTITLE C OF TITLE 10, UNITED STATES CODE.

(a) Tables of Chapters.-

(1) The table of chapters at the beginning of subtitle C is amended by striking out the items relating to chapters 519, 531, 541, and 549.

(2) The table of chapters at the beginning of part I of subtitle C is amended by striking out the item relating to chapter 519.

(3) The table of chapters at the beginning of part II of subtitle C is amended by striking out the items relating to chapters 531, 541, and 549.

(b) Tables of Sections.-

(1) The table of sections at the beginning of chapter 533 is amended by striking out the items relating to sections 5456, 5457, and 5458.

(2) The table of sections at the beginning of chapter 539 is amended by striking out the item relating to section 5600.

(3) The table of sections at the beginning of chapter 555 is amended by striking out the items relating to sections 6017 and 6034.

(4) The table of sections at the beginning of chapter 573 is amended by striking out the items relating to sections 6391, 6392, 6397, 6403, and 6410.

(c) Cross Reference Amendments.-

(1) Section 6389(a) is amended by striking out "section 1005" and inserting in lieu thereof "section 12645".

(2) Section 6954(b)(1)(B) is amended by striking out "section 1331 of this title" and inserting in lieu thereof "section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

(d) Repeal of Section Redundant with Section 741.-

(1) Section 5506 is repealed.

(2) The table of sections at the beginning of chapter 535 is amended by striking out the item relating to section 5506.

#### SEC. 1674. AMENDMENTS TO SUBTITLE D OF TITLE 10, UNITED STATES CODE.

(a) Tables of Chapters.-The table of chapters at the beginning of subtitle D, and the table of chapters at the beginning of part II of that subtitle, are each amended by striking out the items relating to chapters 837 and 863.

(b) Tables of Sections.-

(1) The table of sections at the beginning of chapter 807 is amended by striking out the items relating to sections 8076 through 8080.

(2) The table of sections at the beginning of chapter 831 is amended by striking out the items relating to section 8212 and sections 8217 through 8225.

(3) The table of sections at the beginning of chapter 833 is amended by striking out the items relating to sections 8259, 8260, and 8261.

(4) The table of sections at the beginning of chapter 841 is amended by striking out the items relating to sections 8495 through 8502.

(5) The table of sections at the beginning of chapter 843 is amended by striking out the items relating to sections 8541 and 8542.

(6) The table of sections at the beginning of chapter 853 is amended by striking out the item relating to section 8686.

(7) The table of sections at the beginning of chapter 861 is amended by striking out the items relating to sections 8819 and 8820.

(c) Cross Reference Amendments.-

(1) Section 8038(b) is amended by striking out "section 265" and inserting in lieu thereof "section 10211".

(2) Section 8961(a) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(3) Section 9342(b)(1)(B) is amended by striking out "section 1331 of this title" and inserting in lieu thereof "section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

#### SEC. 1675. AMENDMENTS TO SUBTITLE E OF TITLE 10, UNITED STATES CODE.

(a) Chapter 1203.-Section 12102 (as transferred and redesignated by section 1662(b)(2)) is amended by striking out "section 3261 or 8261" in subsection (a) and inserting in lieu thereof "section 12107".

(b) Chapter 1205.-Sections of chapter 1205 (as transferred and redesignated by section 1662(c)(2)) are amended as follows:

(1) Section 12203 is amended by striking out "3352, or 8352" in subsection (a) and inserting in lieu thereof "12213, or 12214".

(2) Sections 12213 and 12214 are amended by striking out "or Territory, Puerto Rico, or the District of Columbia, whichever is" in subsection (a).

(c) Chapter 1209.-Sections of chapter 1209 (as transferred and redesignated by section 1662(e)(2)) are amended as follows:

(1) Section 12301 is amended-

(A) in subsection (b), by striking out "or Territory" and all that follows through the period at the end and inserting in lieu thereof "(or, in the case of the District of Columbia National Guard, the commanding general of the District of Columbia National Guard)."; and

(B) in subsection (d), by striking out "or Territory, Puerto Rico, or the District of Columbia, whichever is".

(2) Section 12304 is amended-

(A) by striking out "section 673(a)" in subsection (a) and inserting in lieu thereof "section 12302(a)";

(B) by striking out "section 268(b)" in subsection (a) and inserting in lieu thereof "section 10143(a)"; and

(C) by striking out "section 3500 or 8500" in subsection (b) and inserting in lieu thereof "section 12406".

(3) Section 12305 is amended by striking out "section 672, 673, or 673b" in subsections (a) and (b) and inserting in lieu thereof "section 12301, 12302, or 12304".

(4) Section 12306 is amended by striking out "section 672" in subsection (a) and inserting in lieu thereof "section 12301".

(5) Section 12307 is amended by striking out "section 672(a) or 688", "section 1001(b)", and "chapter 67" and inserting in lieu thereof "section 688 or 12301(a)", "section 12641(b)", and "chapter 1223", respectively.

(6) Section 12308 is amended by striking out "chapter 67" and "section 1332(b)" and inserting in lieu thereof "chapter 1223" and "section 12732(b)", respectively.

(7) Section 12310 is amended by striking out "section 672(d)" in subsection (a) and inserting in lieu thereof "section 12301(d)".

(8) Section 12312 is amended by striking out "section 679(a)" in subsections (a) and (b) and inserting in lieu thereof "section 12311(a)".

(9) Section 12318 is amended-

(A) by striking out "section 673 or 673b" in subsections (a) and (b) and inserting in lieu thereof "section 12302 or 12304"; and

(B) by striking out "section 678" in subsection (b) and inserting in lieu thereof "section 12310".

(10) Section 12319(d) is amended by striking out "chapter 67" and inserting in lieu thereof "chapter 1223".

(11) Section 12320 is amended by striking out "section 3353, 5600, or 8353" and inserting in lieu thereof "section 12207".

(d) Chapter 1219.-Sections of chapter 1219 (as transferred and redesignated by section 1662(h)) are amended as follows:

(1) Section 12642 is amended-

(A) by striking out "section 1332(a)(2)" in subsection (a) and inserting in lieu thereof "section 12732(a)(2)"; and

(B) by striking out "section 1005" in subsection (b) and inserting in lieu thereof "section 12645".

(2) Section 12645 is amended by striking out "chapter 337, 361, 363, 573, 837, 861, or 863" in subsection (a) and inserting in lieu thereof "chapter 573, 1407, 1409, or 1411".

(3) Section 12646 is amended-

(A) by striking out "section 1332" each place it appears in subsections (a) and (b) and inserting in lieu thereof "section 12732";

(B) by striking out "chapter 337, 361, 363, 573, 837, 861, or 863" in subsections (a) and (b) and inserting in lieu thereof "chapter 573, 1407, or 1409"; and

(C) by striking out subsection (e) and inserting in lieu thereof the following:

"(e)(1) A reserve commissioned officer on active duty (other than for training) or full-time National Guard duty (other than full-time National Guard duty for training only) who, on the date on which the officer would otherwise be removed from an active status under section 6389, 14513, or 14514 of this title or section 740 of title 14, is within two years of qualifying for retirement under section 3911, 6323, or 8911 of this title may, in the discretion of the Secretary concerned and subject to paragraph (2), be retained on that duty for a period of not more than two years.

"(2) An officer may be retained on active duty or full-time National Guard duty under paragraph (1) only if-

"(A) at the end of the period for which the officer is retained the officer will be qualified for retirement under section 3911, 6323, or 8911 of this title; and

"(B) the officer will not, before the end of that period, reach the age at which transfer from an active status or discharge is required by this title or title 14.

"(3) An officer who is retained on active duty or full-time National Guard duty under this section may not be removed from an active status while on that duty."

(4) Section 12647 is amended by striking out "chapters 337, 363, 573, 837, and 863" and inserting in lieu thereof "chapters 573, 1407, and 1409".

#### SEC. 1676. AMENDMENTS TO TITLES 32 AND 37, UNITED STATES CODE.

(a) Title 32, United States Code.-Title 32, United States Code, is amended as follows:

(1) Section 107(c) is amended by striking out "section 3496 or 8496" and inserting in lieu thereof "section 12402".

(2) Section 307(a)(3) is amended by striking out "and sections 8365 and 8366 of title 10".

(3) Section 323(c) is amended by striking out "section 3259, 3352(a), 8259, or 8352(a)" and inserting in lieu thereof "section 12105, 12213(a), or 12214(a)".

(4) The items relating to sections 309 and 310 in the table of sections at the beginning of chapter 3 are amended to read as follows:

"309. Federal recognition of National Guard officers: officers promoted to fill vacancies.

"310. Federal recognition of National Guard officers: automatic recognition."

(b) Title 37, United States Code.-Title 37, United States Code, is amended as follows:

(1) Section 204(a)(2) is amended by striking out "section 3021, 3496, 3541, 8021, 8496, or 8541" and inserting in lieu thereof "section 10302, 10305, 10502, or 12402".

(2) Section 205(e)(2) is amended-

(A) by striking out "section 511(b) or 511(d)" in subparagraph (A) and inserting in lieu thereof "section 12103(b) or 12103(d)"; and

(B) by striking out "chapter 39" in subparagraph (B) and inserting in lieu thereof "chapter 1209".

(3) Section 905 is amended-

(A) by striking out "chapter 549" in subsection (a) and inserting in lieu thereof "chapter 1405"; and

(B) by striking out "section 5908" in subsection (b) and inserting in lieu thereof "section 14308(b)".

#### SEC. 1677. AMENDMENTS TO OTHER LAWS.

(a) Title 5, United States Code.-Title 5, United States Code, is amended as follows:

(1) Section 5517(d)(2) is amended by striking out "section 270(a) of title 10" and inserting in lieu thereof "section 10147 of title 10".

(2) Section 6323(b) is amended-

(A) in paragraph (1), by striking out "section 261 of title 10" and inserting in lieu thereof "section 10101 of title 10"; and

(B) in paragraph (2)(A), by striking out "3500, or 8500 of title 10" and inserting in lieu thereof "or 12406 of title 10"; and

(3) Sections 8332(c)(2)(B) and 8411(c)(2)(B) are amended by striking out "chapter 67 of title 10" and inserting in lieu thereof "chapter 1223 of title 10 (or under chapter 67 of that title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

(4) Sections 8401(30) and 8456(a)(1)(A) are amended by striking out "section 261(a) of title 10" and inserting in lieu thereof "section 10101 of title 10".

(b) Title 14, United States Code.-Title 14, United States Code, is amended as follows:

(1) Section 41a(a) is amended by striking out "section 679 of title 10" and inserting in lieu thereof "section 12311 of title 10".

(2) Section 271(e) is amended by striking out "section 593 of title 10" and inserting in lieu thereof "section 12203 of title 10".

(3) Section 712(c)(1) is amended by striking out "section 270 of title 10" and inserting in lieu thereof "section 10147 of title 10".

(4) Section 713 is amended by striking out "section 511(d) of title 10" and inserting in lieu thereof "section 12103(d) of title 10".

(5) Sections 740(c) and 741(b) are amended by striking out "section 1006 of title 10" and inserting in lieu thereof "section 12646 of title 10".

(c) Internal Revenue Code of 1986.-Section 219(g)(6)(A) of the Internal Revenue Code of 1986 is amended by striking out "section 261(a) of title 10" and inserting in lieu thereof "section 10101 of title 10".

(d) Title 38, United States Code.-Title 38, United States Code, is amended as follows:

(1) Sections 1965(5)(B), 1965(5)(C), and 1968(a)(4)(B) are amended by striking out "chapter 67 of title 10" and inserting in lieu thereof "chapter 1223 of title 10 (or under chapter 67 of that title as in effect before the effective date of the Reserve Officer Personnel Management Act)".

(2) Section 3002 is amended-

(A) in paragraph (4), by striking out "section 268(b) of title 10" and inserting in lieu thereof "section 10143(a) of title 10"; and

(B) in paragraph (6), by striking out "section 511(d) of title 10" and inserting in lieu thereof "section 12103(d) of title 10".

(e) Public Law 99-661.-Section 403(b)(1) of Public Law 99-661 (10 U.S.C. 521 note) is amended-

(1) in subparagraph (B), by striking out "section 265" and all that follows through "of title 10" and inserting in lieu thereof "section 10148(a), 10211, 10302 through 10305, 12301(a), or 12402 of title 10";

(2) in subparagraph (C), by striking out "section 672(d)" and inserting in lieu thereof "section 12301(d)"; and

(3) in subparagraph (E), by striking out "section 673b" and inserting in lieu thereof "section 12304".

(f) Military Selective Service Act.-Section 6 of the Military Selective Service Act (50 U.S.C. App. 456) is amended-

(1) in subsection (c)(2)(A), by striking out "section 270 of title 10" and inserting in lieu thereof "section 10147 of title 10";

(2) in subsection (c)(2)(D), by striking out "section 511(b) of title 10" and inserting in lieu thereof "section 12103 of title 10"; and

(3) in subsection (d)(1), by striking out "section 270(a) of title 10" and inserting in lieu thereof "section 10147 of title 10".



## SUBTITLE E-TRANSITION PROVISIONS

### SEC. 1681. CONTINUATION ON THE RESERVE ACTIVE-STATUS LIST OF CERTAIN RESERVE COLONELS OF THE ARMY AND AIR FORCE.

(a) Continuation Under Old Law.-Except as provided in subsection (b), a reserve officer of the Army or the Air Force who, on the effective date of this title-

- (1) is subject to placement on the reserve active-status list of the Army or the Air Force; and
- (2)(A) holds the reserve grade of colonel, (B) is on a list of officers recommended for promotion to the reserve grade of colonel, or (C) has been nominated by the President for appointment in the reserve grade of colonel,

shall continue to be subject to mandatory transfer to the Retired Reserve or discharge from the officer's reserve appointment under section 3851 or 8851 of title 10, United States Code, as in effect on the day before the effective date of this title.

(b) Exemption.-This section does not apply to an officer who is-

- (1) sooner transferred from an active status or discharged under some other provision of law;
- (2) promoted to a higher grade, unless the officer was on a list of officers recommended for promotion to the reserve grade of colonel before the effective date of this title; or
- (3) continued on the reserve active-status list under section 14701 of title 10, United States Code, as added by this title.

### SEC. 1682. EFFECTS OF SELECTION FOR PROMOTION AND FAILURE OF SELECTION FOR ARMY AND AIR FORCE OFFICERS.

(a) Promotions To Fill Vacancies.-A reserve commissioned officer of the Army or Air Force (other than a commissioned warrant officer) who, on the day before the effective date of this title, is recommended for promotion to fill a vacancy in the Army Reserve or the Air Force Reserve under section 3383, 3384, 8372, or 8373 of title 10, United States Code, as in effect on the day before the effective date of this title, in the next higher reserve grade shall be considered to have been recommended for promotion to that grade by a vacancy promotion board under section 14101(a)(2) of title 10, United States Code, as added by this title.

(b) Promotions Other Than To Fill Vacancies.-A reserve officer of the Army or Air Force who, on the day before the effective date of this title, is recommended for promotion under section 3366, 3367, 3370, 3371, 8366, or 8371 of title 10, United States Code, as in effect on the day before the effective date of this title, to a reserve grade higher than the grade in which the officer is serving shall be considered to have been recommended for promotion by a mandatory promotion board convened under section 14101(a)(1) of title 10, United States Code, as added by this title.

(c) Officers Found Qualified for Promotion to First Lieutenant.-A reserve officer of the Army or Air Force who, on the effective date of the title, holds the grade of second lieutenant and has been found qualified for promotion to the grade of first lieutenant in accordance with section 3365, 3382, or 8365 of title 10, United States Code, as in effect on the day before the effective date of this title, shall be promoted to that grade on the date on which the officer would have been promoted under the provisions of chapter 337 or 837 of such title, as in effect on the day before the effective date of this title, unless sooner promoted under regulations prescribed by the Secretary of the Army or the Secretary of the Air Force under section 14308(b) of title 10, United States Code, as added by this title.

(d) Officers Once Failed of Selection.- (1) A reserve officer of the Army in the grade of first lieutenant, captain, or major who, on the day before the effective date of this title, has been considered once but not recommended for promotion to the next higher reserve grade under section 3366 or 3367 of title 10, United States Code, or a reserve officer of the Air Force in the grade of first lieutenant, captain, or major who, on the day before the effective date of this title, is a deferred officer within the meaning of section 8368 of such title, shall be considered to have been considered once but not selected for promotion by a board

convened under section 14101(a)(1) of title 10, United States Code, as added by this title. If the officer is later considered for promotion by a selection board convened under that section and is not selected for promotion (or is selected for promotion but declines to accept the promotion), the officer shall be considered for all purposes to have twice failed of selection for promotion.

(2) In the case of a reserve officer of the Army or Air Force in an active status who, on the day before the effective date of this title, is in the grade of first lieutenant, captain, or major and whose name has been removed, under the provisions of section 3363(f) of title 10, United States Code, from a list of officers recommended for promotion or who has previously not been promoted because the President declined to appoint the officer in the next higher grade under section 8377 of such title as in effect on the day before the effective date of this title, or whose name was removed from a list of officers recommended for promotion to the next higher grade because the Senate did not consent to the officer's appointment, if the officer is later considered for promotion by a selection board convened by section 14101(a)(1) of title 10, United States Code, as added by this title, and (A) is not selected for promotion, (B) is selected for promotion but removed from the list of officers recommended or approved for promotion, or (C) is selected for promotion but declines to accept the promotion, the officer shall be considered for all purposes to have twice failed of selection for promotion.

(e) Officers Twice Failed of Selection.-A reserve officer of the Army or Air Force in an active status who, on the day before the effective date of this title, is in the grade of first lieutenant, captain, or major and on that date is subject to be treated as prescribed in section 3846 or 8846 of title 10, United States Code, shall continue to be governed by that section as in effect on the day before the effective date of this title.

(f) Officers With Approved Promotion Declinations in Effect.-A reserve officer of the Army who, on the day before the effective date of this title, has declined a promotion under subsection (f) or (g) of section 3364 of title 10, United States Code, shall while carried on the reserve active status list be subject to the provisions of subsections (h), (i), and (j) of such section, as in effect on the day before the effective date of this title, except that the name of an officer to whom this section applies shall be placed on a promotion list under section 14308(a) of title 10, United States Code (as added by this title), and, at the end of the approved period of declination, shall be considered to have failed of promotion if the officer again declines to accept the promotion.

(g) Covered Officers.-This section applies to reserve officers of the Army and Air Force who-

- (1) on the day before the effective date of this title are in an active status; and
- (2) on the effective date of this title are subject to placement on the reserve active-status list of the Army or the Air Force.

#### SEC. 1683. EFFECTS OF SELECTION FOR PROMOTION AND FAILURE OF SELECTION FOR NAVY AND MARINE CORPS OFFICERS.

(a) Recommendations for Promotion.-An officer covered by this section who, on the day before the effective date of this title, has been recommended for promotion to a reserve grade higher than the grade in which the officer is serving shall be considered to have been recommended for promotion to that grade under section 14101(a) of title 10, United States Code, as added by this title.

(b) Failures of Selection.-An officer covered by this section who, on the day before the effective date of this title is considered to have failed of selection for promotion one or more times under chapter 549 of title 10, United States Code, to a grade below captain, in the case of a reserve officer of the Navy, or to a grade below colonel, in the case of a reserve officer of the Marine Corps, shall be subject to chapters 1405 and 1407 of title 10, United States Code, as added by this title, as if such failure or failures had occurred under the provisions of those chapters.

(c) Officers Other Than Covered Officers Recommended for Promotion.-A reserve officer of the Navy or Marine Corps who on the day before the effective date of this title (1) has been recommended for promotion in the approved report of a selection board convened under chapter 549 of title 10, United States

Code, and (2) was on the active-duty list of the Navy or Marine Corps may be promoted under that chapter, as in effect on the day before the effective date of this title.

(d) Officers Found Qualified for Promotion to Lieutenant (Junior Grade) or First Lieutenant.-A covered officer who, on the effective date of this title, holds the grade of second lieutenant and has been found qualified for promotion in accordance with section 5908 or 5910 of title 10, United States Code, as in effect on the day before the effective date of this title, shall be promoted on the date on which the officer would have been promoted under the provisions of chapter 549 of such title, as in effect on the day before the effective date of this title, unless sooner promoted under regulations prescribed by the Secretary of the Navy under section 14307(b) of such title, as added by this title.

(e) Officers Whose Names Have Been Omitted From a List Furnished to a Selection Board.-A covered officer whose name, as of the effective date of this title, had been omitted by administrative error from the list of officers furnished the most recent selection board to consider officers of the same grade and component, shall be considered by a special selection board established under section 14502 of title 10, United States Code, as added by this title. If the officer is selected for promotion by that board, the officer shall be promoted as specified in section 5904 of title 10, United States Code, as in effect on the day before the effective date of this title.

(f) Covered Officers.-Except as provided in subsection (c), this section applies to any reserve officer of the Navy or Marine Corps who (1) before the effective date of this title is in an active status, and (2) on the effective date of this title is subject to placement on the reserve active-status list of the Navy or Marine Corps.

#### SEC. 1684. DELAYS IN PROMOTIONS AND REMOVALS FROM PROMOTION LIST.

(a) Delays in Promotions.- (1) A delay in a promotion that is in effect on the day before the effective date of this title under the laws and regulations in effect on that date shall continue in effect on and after that date as if the promotion had been delayed under section 14311 of title 10, United States Code, as added by this title.

(2) The delay of the promotion of a reserve officer of the Army or the Air Force which was in effect solely to achieve compliance with limitations set out in section 524 of title 10, United States Code, or with regulations prescribed by the Secretary of Defense with respect to sections 3380(c) and 8380(c) of title 10, United States Code, as in effect on the day before the effective date of this title, shall continue in effect as if the promotion had been delayed under section 14311(e) of such title, as added by this title.

(b) Removals From List.-An action that was initiated before the effective date of this title under the laws and regulations in effect before that date to remove the name of an officer from a promotion list or from a list of officers recommended or approved for promotion shall continue on and after such date as if such action had been initiated under section 14110(d) or 14310, as appropriate, of title 10, United States Code, as added by this title.

#### SEC. 1685. MINIMUM SERVICE QUALIFICATIONS FOR PROMOTION.

During the five-year period beginning on the effective date of this title, the Secretary of the Army and the Secretary of the Air Force may waive the provisions of section 14304 of title 10, United States Code, as added by this title. The Secretary may, in addition, during any period in which such a waiver is in effect, establish minimum periods of total years of commissioned service an officer must have served to be eligible for consideration for promotion to the grade of captain, major, or lieutenant colonel by boards convened under section 14101(a) of title 10, United States Code, as added by this title.

#### SEC. 1686. ESTABLISHMENT OF RESERVE ACTIVE-STATUS LIST.

(a) Six-Month Deadline.-Not later than six months after the effective date of this title, the Secretary of the military department concerned shall ensure that-

(1) all officers of the Army, Navy, Air Force, and Marine Corps who are required to be placed on the reserve active-status list of their Armed Force under section 14002 of title 10, United States Code, as added by this title, shall be placed on the list for their armed force and in their competitive category; and

(2) the relative seniority of those officers on each such list shall be established.

(b) Regulations.-The Secretary concerned shall prescribe regulations for the establishment of relative seniority. The Secretary of the Army and the Secretary of the Air Force shall, in prescribing such regulations, provide for the consideration of both promotion service established under section 3360(b) or 8360(e) of title 10, United States Code, as in effect on the day before the effective date of this title, and total commissioned service established under section 3360(c) or 8366(e) of such title, as in effect on the day before the effective date of this title. An officer placed on a reserve active-status list in accordance with this section shall be considered to have been on the list as of the effective date of this title.

#### SEC. 1687. PRESERVATION OF RELATIVE SENIORITY UNDER THE INITIAL ESTABLISHMENT OF THE RESERVE ACTIVE-STATUS LIST.

In order to maintain the relative seniority among reserve officers of the Army, Navy, Air Force, or Marine Corps as determined under section 1686, the Secretary of the military department concerned may, during the one-year period beginning on the effective date of this title, adjust the date of rank of any reserve officer of such Armed Force who was in an active status but not on the active-duty list on such effective date.

#### SEC. 1688. GRADE ON TRANSFER TO THE RETIRED RESERVE.

In determining the highest grade held satisfactorily by a person at any time in the Armed Forces for the purposes of paragraph (2) of section 1406(b) of title 10, United States Code, as added by this title, the requirement for satisfactory service on the reserve active-status list contained in section 1370(d) of title 10, United States Code, as added by this title, shall apply only to reserve commissioned officers who are promoted to a higher grade as a result of selection for promotion under chapter 36 of that title or under chapter 1405 of that title, as added by this title, or having been found qualified for Federal recognition in a higher grade under chapter 3 of title 32, United States Code, after the effective date of this title.

#### SEC. 1689. RIGHTS FOR OFFICERS WITH OVER THREE YEARS SERVICE.

A reserve officer of the Army, Navy, Air Force, or Marine Corps who was in an active status on the day before the effective date of this title and who was subject to placement of the reserve active-status list on the effective date of this title may not be discharged under section 14503 of title 10, United States Code, as added by this title, until on or after the day on which that officer completes three years of continuous service as a reserve commissioned officer.

#### SEC. 1690. MANDATORY SEPARATION FOR AGE FOR CERTAIN RESERVE OFFICERS OF THE NAVY AND MARINE CORPS.

(a) Savings Provisions for Required Separation Age.-A reserve officer of the Navy or the Marine Corps-

(1) who-

(A) on the effective date of this title is in an active status, and

(B) on the day before the effective date of this title was an officer described in section

6389(e), 6397(a), 6403(a), or 6403(b) of title 10, United States Code; and

(2) who, on or after the effective date of this title is subject to elimination from an active status under any provision of such title,

is entitled to be treated as that officer would have been treated under section 6397 or 6403 as applicable, as in effect on the day before the effective date of this title, if that treatment would result in the date for the officer's separation from an active status being a later date than the date established under the law in effect on or after the effective date of this title.

(b) Savings Provisions for Mandatory Separation for Age.-An officer who was initially appointed in the Naval Reserve or the Marine Corps Reserve before January 1, 1953, and who cannot complete 20 years of service computed under section 12732 of this title before he becomes 62 years of age, but can complete this service by the time he becomes 64 years of age, may be retained in an active status not later than the date he becomes 64 years of age.

(c) An officer who was initially appointed in the Naval Reserve or the Marine Corps Reserve before the effective date of this title, and who cannot complete 20 years of service computed under section 12732 of this title before he becomes 60 years of age, but can complete this service by the time he becomes 62 years of age, may be retained in an active status not later than the date he becomes 62 years of age.

#### SUBTITLE F-EFFECTIVE DATES AND GENERAL SAVINGS PROVISIONS

##### SEC. 1691. EFFECTIVE DATE.

(a) Effective Date for Amendments.-Except as provided in subsection (b), the amendment made by section 1611 and the amendments made by subtitles C and D shall take effect on December 1, 1994.

(b) Effective Date for New Reserve Officer Personnel Policies.-(1) The provisions of part III of subtitle E of title 10, United States Code, as added by section 1611, shall become effective on October 1, 1996. The amendments made by part II of subtitle A, by subtitle B, and by section 1671(c)(2) and paragraphs (2), (3)(B), (3)(C), and (4) of section 1675(d) shall take effect on October 1, 1996.

(2) Any reference in subtitle E of this title to the effective date of this title is a reference to the effective date prescribed in paragraph (1).

(3) The personnel policies applicable to Reserve officers under the provisions of law in effect on the day before the date prescribed in subsection (a) and replaced by the Reserve officer personnel policies prescribed in part III of subtitle E of title 10, United States Code, as added by section 1611, shall, notwithstanding the provisions of subsection (a), continue in effect until the effective date prescribed in paragraph (1).

(4) The authority to prescribe regulations under the provisions of part III of subtitle E of title 10, United States Code, as added by section 1611, shall take effect on the date of the enactment of this Act.

##### SEC. 1692. PRESERVATION OF SUSPENDED STATUS OF LAWS SUSPENDED AS OF EFFECTIVE DATE.

If a provision of law that is in a suspended status on the day before the effective date of this title under section 1691(b)(1) is transferred or amended by this title, the suspended status of that provision is not affected by that transfer or amendment.

##### SEC. 1693. PRESERVATION OF PRE-EXISTING RIGHTS, DUTIES, PENALTIES, AND PROCEEDINGS.

Except as otherwise provided in this title, the provisions of this title and the amendments made by this title do not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this title under section 1691(b)(1).

## DIVISION B-MILITARY CONSTRUCTION AUTHORIZATIONS

### SECTION 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 1995".

### TITLE XXI-ARMY

#### SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.-Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), and, in the case of the project described in section 2104(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

#### Army: Inside the United States

State	Installation or location	Amount
Alabama	Redstone Arsenal	\$2,600,000
California	Fort Irwin	\$10,000,000
Georgia	Fort Benning	\$6,550,000
	Fort Gordon	\$44,750,000
Hawaii	Schofield Barracks	\$20,700,000
Kentucky	Fort Campbell	\$52,500,000
	Fort Knox	\$8,500,000
Maryland	Edgewood Arsenal	\$2,600,000
	Adelphi Laboratory Center	\$6,600,000
New Jersey	Bayonne Military Ocean Terminal	\$4,050,000
New York	Fort Drum	\$12,600,000
	United States Military Academy, West Point	\$28,000,000
North Carolina	Fort Bragg	\$29,000,000
	Sunny Point Military Ocean Terminal	\$22,200,000
Oklahoma	Fort Sill	\$18,000,000
Pennsylvania	Tobyhanna Depot	\$17,000,000
South Carolina	Charleston Naval Weapons Station	\$20,000,000
Texas	Fort Bliss	\$16,800,000
	Fort Hood	\$45,800,000
	Fort Sam Houston	\$4,300,000
Virginia	Fort Lee	\$15,600,000
	Fort Myer	\$7,300,000
Washington	Fort Lewis	\$64,000,000
CONUS Classified	Classified Location	\$1,900,000

(b) Outside the United States.-Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Country	Installation or location	Amount
Korea	Camp Casey	\$29,200,000

	Camp Red Cloud	\$5,400,000
Kwajalein Atoll	Kwajalein	\$6,400,000
Worldwide	Host Nation Support	\$10,000,000

#### SEC. 2102. FAMILY HOUSING.

(a) Construction and Acquisition.-Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

##### Army: Family Housing

State	Installation	Purpose	Amount
Alaska	Fort Richardson	72 units	\$5,000,000
Colorado	Fort Carson	145 units	\$16,500,000
Georgia	Fort Stewart	128 units	\$10,600,000
Hawaii	Schofield Barracks	190 units	\$26,000,000
Kansas	Fort Riley	126 units	\$12,600,000
Massachusetts	Natick Research Center	35 units	\$4,150,000
New York	United States Military Academy,	56 units	\$8,000,000
	West Point		
Texas	Fort Bliss	215 units	\$21,400,000
	Fort Sam Houston	100 units	\$10,000,000

(b) Planning and Design.-Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$5,992,000.

#### SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(5)(A), the Secretary of the Army may improve existing military family housing in an amount not to exceed \$49,760,000.

#### SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) In General.-Subject to subsection (c), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1994, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of \$1,736,686,000 as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), \$447,350,000.

(2) For military construction projects outside the United States authorized by section 2101(b), \$51,000,000.

(3) For unspecified minor military construction projects authorized by section 2805 of title 10, United States Code, \$12,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$66,126,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvements of military family housing and facilities, \$170,002,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), \$1,013,708,000, of which not more than \$243,442,000 may be obligated or expended for the leasing of military family housing worldwide.

(b) Limitation on Total Cost of Construction Projects.-Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed-

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) (as reduced by operation of subsection (c)); and

(2) \$14,000,000 (the balance of the amount authorized under section 2101(a) for the construction and renovation of a food processing facility at the United States Military Academy, West Point, New York).

(c) Adjustment.-The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by \$23,500,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, cancellations due to force structure changes, and cancellations due to 1995 base closure and realignment decisions.

#### SEC. 2105. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECT AT FORT BRAGG, NORTH CAROLINA, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

Using amounts previously appropriated for such purpose, the Secretary of the Army may carry out a military construction project for the construction of a library at Fort Bragg, North Carolina, in the total amount of \$5,500,000.

#### SEC. 2106. RELOCATION OF ARMY FAMILY HOUSING UNITS FROM FORT HUNTER LIGGETT, CALIFORNIA, TO FORT STEWART, GEORGIA.

Section 2102(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1511) is amended-

(1) by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

"(1) Fort Hunter Liggett, California, one hundred fifty-four units, \$12,300,000."; and

(2) by striking out paragraph (5) and inserting in lieu thereof the following new paragraph:

"(5) Fort Stewart, Georgia, one hundred twenty-one units, \$9,890,000.".

#### SEC. 2107. HIGHWAY SAFETY AT HAWTHORNE ARMY AMMUNITION PLANT, NEVADA.

(a) Study.-The Secretary of the Army shall carry out a study of traffic safety on the highway at the Hawthorne Army Ammunition Plant, Nevada. In carrying out the study, the Secretary shall-

(1) evaluate traffic safety on the highway, including traffic safety with respect to the rail and truck crossing of the highway at the Plant;

(2) evaluate the feasibility and desirability of constructing a vehicle bridge over the rail and truck crossing; and

(3) determine whether any construction required to improve traffic safety on the highway should be funded as a military construction project or as a defense access road construction project.

(b) Architectural and Engineering Services and Construction Design.-If the Secretary determines as a result of the study under subsection (a) that construction of a vehicle bridge over the rail and truck crossing of the highway at the Plant is feasible and desirable, the Secretary may-

(1) obtain architectural and engineering activities and carry out construction design with respect to the construction of the bridge; or

(2) request that the Secretary of Transportation carry out the construction of the bridge as a project for the construction of a defense access road under section 210 of title 23, United States Code.



## TITLE XXII-NAVY

### SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.-Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), and, in the case of the project described in section 2204(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

#### Navy: Inside the United States

State	Installation or location	Amount
California	Camp Pendleton Amphibious Task Force	\$10,700,000
	Camp Pendleton Marine Corp Base	\$6,860,000
	China Lake Naval Air Warfare Center	\$6,000,000
	El Centro Naval Air Facility	\$3,000,000
	Lemoore Naval Air Station	\$7,000,000
	North Island Naval Air Station	\$18,830,000
	Port Hueneme Construction Battalion Center	\$9,650,000
	San Diego Marine Corps Recruit Depot	\$1,090,000
	San Diego Naval Station	\$4,100,000
	Twentynine Palms, Marine Corps Air-Ground Combat Center	\$2,900,000
Florida	Jacksonville Fleet and Industrial Supply Center	\$2,200,000
	Pensacola Naval Air Station	\$2,100,000
Hawaii	Kaneohe Bay Marine Corps Air Station	\$4,900,000
Illinois	Great Lakes Navy Public Works Center	\$13,000,000
Indiana	Crane Naval Surface Warfare Center	\$7,970,000
Maryland	Indian Head Naval Surface Warfare Center	\$10,400,000
	Patuxent River Naval Air Warfare Center	\$4,200,000
	United States Naval Academy	\$1,900,000
	New Jersey Lakehurst Naval Air Warfare Center	\$2,950,000
New Mexico	White Sands Naval Ordnance Missile Test Station	\$1,390,000
North Carolina	Camp Lejeune Marine Corp Base	\$14,850,000
	Cherry Point Marine Corps Air Station	\$2,100,000
Pennsylvania	Philadelphia Naval Shipyard	\$10,500,000
Rhode Island	Newport Naval Education and Training Center	\$14,500,000
	Newport Naval War College	\$28,000,000
South Carolina	Beaufort Marine Corps Air Station	\$10,800,000
	Parris Island Marine Corps Recruit Depot	\$8,350,000
Texas	Ingleside Naval Station	\$14,110,000
	Kingsville Naval Air Station	\$1,530,000
Virginia	Chesapeake Naval Security Group Activity	\$1,150,000
	Dam Neck Fleet Combat Training Center	\$7,000,000
	Little Creek Amphibious Base	\$5,000,000
	Norfolk Marine Corps Security Force Battalion Atlantic	\$6,480,000
	Norfolk Naval Base	\$5,100,000
	Norfolk Naval Station	\$16,430,000
	Quantico Marine Corps Combat Development Command	\$19,900,000

Washington	Bremerton Puget Sound Naval Shipyard	\$11,040,000
	Everett Naval Station	\$21,690,000
	Whidbey Island Naval Air Station	\$5,200,000
CONUS	Aircraft Fire Rescue and Vehicle Maintenance	\$2,200,000
Classified	Facilities	

(b) Outside the United States.-Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or location	Amount
Greece	Souda Bay, Crete Naval Support Activity	\$3,050,000
Italy	Naples Naval Support Activity	\$28,460,000
	Sigonella Naval Air Station	\$13,750,000
Puerto Rico	Sabana Seca Naval Security Group Activity	\$1,650,000
United Kingdom	Saint Mawgan Joint Communication Center	\$3,900,000

SEC. 2202. FAMILY HOUSING.

(a) Construction and Acquisition.-Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Navy: Family Housing

State	Installation	Purpose	Amount
California	Camp Pendleton Marine Corps Base	196 units	\$28,552,000
	San Diego Navy Public Works Center	136 units	\$18,262,000
Hawaii	Moanalua Terrace	100 units (replacement)	\$16,000,000
Maryland	Patuxent River Naval Air Station	Housing Office	\$863,000
Mississippi	Gulfport Construction Battalion Center	120 units	\$10,370,000
Texas	Corpus Christi Naval Air Station	100 units	\$11,800,000
Virginia	Norfolk Navy Public Works Center	Warehouse and Self Help Center	\$555,000
Washington	Everett Naval Station	Housing Office	\$780,000

(b) Planning and Design.-Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$24,681,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in the amount of \$155,602,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) In General.-Subject to subsection (c), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1994, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of \$1,591,824,000 as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), \$309,070,000.

(2) For military construction projects outside the United States authorized by section 2201(b), \$50,810,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$7,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$43,380,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvements of military family housing and facilities, \$267,465,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), \$937,599,000, of which not more than \$114,336,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) Limitation of Total Cost of Construction Projects.-Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed-

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) (as reduced by operation of subsection (c)); and

(2) \$18,000,000 (the balance of the amount authorized under section 2201(a) for the construction of a Strategic Maritime Research Center at the Naval War College, Newport, Rhode Island).

(c) Adjustment.-The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by \$23,500,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, cancellations due to force structure changes, and cancellations due to 1995 base closure and realignment decisions.

#### SEC. 2205. RESTORATION OF AUTHORITY TO CARRY OUT MILITARY CONSTRUCTION PROJECT AT NAVAL SUPPLY CENTER, PENSACOLA, FLORIDA.

(a) Reauthorization.-Notwithstanding section 2205(b)(1)(D)(ii) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1865), the Secretary of the Navy may carry out the military construction project at the Naval Supply Center, Pensacola, Florida, which involves construction of a cold storage facility at the installation and was originally authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1514).

(b) Conforming Amendment.-Section 2205(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1518), as amended by section 2205(b)(2) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1865), is further amended-

(A) in the matter preceding the paragraphs, by striking out "\$1,759,990,000" and inserting in lieu thereof "\$1,765,690,000"; and

(B) in paragraph (1), by striking out "\$667,700,000" and inserting in lieu thereof "\$673,400,000".

#### SEC. 2206. DESIGN ACTIVITIES FOR UPGRADE OF MAYPORT NAVAL STATION, FLORIDA.

(a) Commencement of Design Activities.-At the conclusion of the facilities study prepared by the Secretary of the Navy to identify infrastructure improvements that would be necessary to provide Mayport Naval Station, Florida, with the capability to serve as a homeport for a nuclear powered aircraft carrier and the programmatic environmental impact study to identify environmental issues associated with such improvements, the Secretary shall begin design activities for such military construction projects as may be necessary to provide for such a capability.

(b) Rule of Construction.-Nothing in subsection (a) shall be construed as an authorization to the Secretary to proceed with the construction of facilities specifically designed to make Mayport Naval Station capable of serving as a homeport for a nuclear powered aircraft carrier.

#### SEC. 2207. RELOCATION OF PASCAGOULA COAST GUARD STATION, MISSISSIPPI.

(a) Agreement on Relocation.-Subject to subsection (c), the Secretary of the Navy and the Secretary of Transportation may enter into an agreement that provides for the relocation of the activities and functions of Pascagoula Coast Guard Station to Pascagoula Naval Station, Pascagoula, Mississippi.

(b) Prohibition on Relocation or Construction Costs.-The Navy may not incur any construction costs relating to the relocation. The Coast Guard may not incur any construction costs or relocation costs relating to the relocation.

(c) Condition on Relocation.-The activities and functions of Pascagoula Coast Guard Station may not be relocated to Pascagoula Naval Station if either-

(1) the Secretary of the Navy determines that the relocation of the Coast Guard facility would interfere with the performance of the mission of the Navy at Pascagoula Naval Station; or

(2) the Secretary of Transportation determines that the relocation of the Coast Guard facility would be incompatible with Coast Guard operations in the Pascagoula area.

### TITLE XXIII-AIR FORCE

#### SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.-Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

##### Air Force: Inside the United States

State	Installation or location	Amount
Alabama	Maxwell Air Force Base	\$9,600,000
Alaska	Cape Lisburne Long Range Radar Site	\$2,800,000
	Elmendorf Air Force Base	\$5,000,000
Arizona	Luke Air Force Base	\$4,900,000
Arkansas	Little Rock Air Force Base	\$4,800,000
California	Beale Air Force Base	\$11,850,000
	Edwards Air Force Base	\$7,050,000
	McClellan Air Force Base	\$8,500,000
	Travis Air Force Base	\$3,600,000
	Vandenberg Air Force Base	\$6,550,000
Colorado	Peterson Air Force Base	\$1,750,000

Delaware	Dover Air Force Base	\$10,500,000
Florida	Cape Canaveral Air Force Station	\$10,450,000
Georgia	Moody Air Force Base	\$13,400,000
	Robins Air Force Base	21,200,000
Idaho	Mountain Home Air Force Base	15,950,000
Illinois	Scott Air Force Base	\$2,700,000
Kansas	McConnell Air Force Base	\$500,000
Louisiana	Barksdale Air Force Base	\$15,700,000
Maryland	Andrews Air Force Base	\$6,300,000
Mississippi	Columbus Air Force Base	\$13,200,000
	Keesler Air Force Base	\$11,240,000
Missouri	Whiteman Air Force Base	\$24,290,000
Montana	Malmstrom Air Force Base	\$7,200,000
Nebraska	Offutt Air Force Base	\$2,260,000
Nevada	Nellis Air Force Base	\$600,000
New Jersey	McGuire Air Force Base	\$17,000,000
New Mexico	Holloman Air Force Base	\$10,950,000
	Kirtland Air Force Base	\$28,000,000
North Carolina	Pope Air Force Base	\$5,050,000
North Dakota	Grand Forks Air Force Base	\$5,200,000
	Minot Air Force Base	\$5,850,000
Ohio	Wright-Patterson Air Force Base	\$26,550,000
Oklahoma	Altus Air Force Base	\$3,750,000
	Tinker Air Force Base	\$20,443,000
	Vance Air Force Base	\$11,680,000
South Carolina	Charleston Air Force Base	\$11,400,000
South Dakota	Ellsworth Air Force Base	\$5,950,000
Tennessee	Arnold Air Force Base	\$1,900,000
Texas	Brooks Air Force Base	\$6,500,000
	Kelly Air Force Base	\$8,950,000
	Lackland Air Force Base	\$5,200,000
	Sheppard Air Force Base	\$3,300,000
Virginia	Langley Air Force Base	\$5,500,000
Washington	Fairchild Air Force Base	\$17,900,000
	McChord Air Force Base	\$10,400,000
Wyoming	F.E. Warren Air Force Base	\$2,650,000
CONUS	Classified Location	\$2,141,000
Classified		

(b) Outside the United States.-Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and may carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or location	Amount
Germany	Ramstein Air Base	\$12,350,000
	Spangdahlem Air Base	\$9,473,000
Greenland	Thule Air Base	\$2,450,000
Portugal	Lajes Field, Azores	\$2,850,000
United Kingdom	Lakenheath Royal Air Force Base	\$7,100,000

Overseas Classified

Classified Locations

\$4,050,000

## SEC. 2302. FAMILY HOUSING.

(a) Construction and Acquisition.-Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

Air Force: Family Housing			
State	Installation	Purpose	Amount
Alabama	Maxwell Air Force Base	25 units	\$2,100,000
Arizona	Davis Monthan Air Force Base	110 units	\$10,029,000
California	Beale Air Force Base	76 units	\$8,842,000
	Edwards Air Force Base	34 units	\$4,629,000
	Los Angeles Air Force Station	50 units	\$8,962,000
	Vandenberg Air Force Base	128 units	\$16,460,000
	Bolling Air Force Base	100 units	\$9,000,000
District of Columbia	Patrick Air Force Base	75 units	\$7,145,000
Florida	Mountain Home Air Force Base	4 units	\$881,000
Idaho	Mountain Home Air Force Base	60 units	\$5,712,000
	McConnell Air Force Base	70 units	\$8,322,000
Kansas	Barksdale Air Force Base	82 units	\$8,236,000
Louisiana	Whiteman Air Force Base	Housing Office	\$567,000
Missouri	Cannon Air Force Base	1 unit	\$230,000
	Holloman Air Force Base	76 units	\$7,733,000
	Kirtland Air Force Base	106 units	\$10,058,000
	Pope Air Force Base	120 units	\$14,874,000
North Carolina	Seymour Johnson Air Force Base	74 units	\$6,025,000
North Dakota	Grand Forks Air Force Base	Housing Office	\$709,000
South Carolina	Shaw Air Force Base	3 units	\$631,000
Texas	Dyess Air Force Base	59 units	\$7,077,000
Utah	Hill Air Force Base	138 units	\$11,400,000
Virginia	Langley Air Force Base	148 units	\$14,421,000
Washington	Fairchild Air Force Base	6 units	\$1,035,000
Wyoming	F.E. Warren Air Force Base	106 units	\$11,321,000

(b) Planning and Design.-Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$9,275,000.

## SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(6)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$61,770,000.

## SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) In General.-Subject to subsection (c), funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1994, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$1,601,602,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), \$438,154,000.

(2) For military construction projects outside the United States authorized by section 2301(b), \$38,273,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$7,000,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$49,386,000.

(5) For the construction of the climatic test chamber at Eglin Air Force Base, Florida, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2594), \$20,000,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvements of military family housing and facilities, \$247,444,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), \$824,845,000, of which not more than \$112,757,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) Limitation on Total Cost of Construction Projects.-Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a) (as reduced by operation of subsection (c)).

(c) Adjustment.-The total amount authorized to be appropriated pursuant to paragraphs (1) through (6) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by \$23,500,000, which represents the combination of project savings resulting from favorable bids, reduced overhead costs, cancellations due to force structure changes, and cancellations due to 1995 base closure and realignment decisions.

#### SEC. 2305. AUTHORIZATION OF MILITARY CONSTRUCTION PROJECTS AT TYNDALL AIR FORCE BASE, FLORIDA, FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

(a) Authorization.-The table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1867) is amended in the item relating to Tyndall Air Force Base, Florida, by striking out "\$2,600,000" in the amount column and inserting in lieu thereof "\$8,200,000".

(b) Conforming Amendment.-Section 2304(a) of such Act (107 Stat. 1870) is amended-

(1) in the matter preceding the paragraphs, by striking out "\$2,040,031,000" and inserting in lieu thereof "\$2,045,631,000"; and

(2) in paragraph (1), by striking out "\$877,539,000" and inserting in lieu thereof "\$883,139,000".

#### SEC. 2306. REVISION OF AUTHORIZED FAMILY HOUSING PROJECT AT TYNDALL AIR FORCE BASE, FLORIDA.

The table in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1869) is amended in the item relating to Tyndall Air Force Base, Florida, by striking out "Infrastructure" in the purpose column and inserting in lieu thereof "45 units".

#### SEC. 2307. MODIFICATION OF AIR FORCE PLANT NO. 3, TULSA, OKLAHOMA.

(a) Modification Authorized.-Subject to subsection (b), of the amount authorized to be appropriated under section 301(4), not more than \$10,000,000 shall be available to the Secretary of the Air Force to carry out the modification of Air Force Plant No. 3, Tulsa, Oklahoma.

(b) Condition.-The Secretary of the Air Force may not obligate any of the funds made available under subsection (a) until after the end of a period of 30 legislative days (as defined in section 2687(e)(4) of title 10, United States Code) beginning on the date the Secretary submits to the congressional defense committees a report certifying that the modification is consistent with the long term national security mission of Air Force Plant No. 3.

#### SEC. 2308. REPEAL OF LIMITATION ON ORDER OF RETIREMENT OF MINUTEMAN II MISSILES.

Section 2307 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1775) is repealed.

### TITLE XXIV-DEFENSE AGENCIES

#### SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

##### Defense Agencies: Inside the United States

Agency	Installation or location	Amount
Chemical Agents and Munitions Destruction	Anniston Army Depot, Alabama	\$5,000,000
	Pine Bluff Arsenal, Arkansas	\$3,000,000
	Tooele Army Depot, Utah	\$4,000,000
	Umatilla Army Depot, Oregon	\$12,000,000
Defense Intelligence Agency	Bolling Air Force Base, Washington, District of Columbia	\$600,000
Defense Logistics Agency	Defense Construction Supply Center, Columbus, Ohio	\$2,200,000
	Defense Contract Management Area Office, El Segundo, California	\$5,100,000
	Defense Fuel Support Point, Craney Island, Virginia	\$3,652,000
	Headquarters, Defense Logistics Agency, Ft. Belvoir, Virginia	\$4,600,000
Defense Medical Facility Office	Fort Dix, New Jersey	\$2,000,000
	Fort McPherson, Georgia	\$13,300,000
	McClellan Air Force Base, California	\$10,280,000
National Security Agency	Fort Meade, Maryland	\$5,458,000
Office Secretary of Defense	CONUS Classified Location	\$5,300,000
Section 6 Schools	Naval Surface Warfare Center, Virginia	\$1,560,000
Special Operations Forces	Eglin Auxiliary Field No. 9, Florida	\$20,200,000
	Fort Bragg, North Carolina	\$8,000,000
	Kirtland Air Force Base, New Mexico	\$9,600,000
	Naval Base Coronado, San Diego, California	\$3,400,000



#### SEC. 2402. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(11)(A), the Secretary of Defense may construct or acquire family housing units (including land acquisition) at the location, for the purpose, and in the amount set forth in the following table:

Defense Agencies: Family HousingCountry	Agency	Purpose	Amount
Belgium	National Security Agency	1 unit	\$300,000

#### SEC. 2403. IMPROVEMENT TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(11)(A), the Secretary of Defense may improve existing military family housing units in an amount not to exceed \$50,000.

#### SEC. 2404. ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(8), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

#### SEC. 2405. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) In General.-Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1994, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of \$3,213,608,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), \$119,250,000.

(2) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1640), \$120,000,000.

(3) For military construction projects at Elmendorf Air Force Base, Alaska, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2599), \$66,000,000.

(4) For military construction projects at Fort Bragg, North Carolina, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2599), \$75,000,000.

(5) For unspecified minor construction projects under section 2805 of title 10, United States Code, \$22,348,000.

(6) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$3,511,000.

(7) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$51,960,000.

(8) For energy conservation projects authorized by section 2404, \$50,000,000.

(9) For base closure and realignment activities as authorized by title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note), \$87,600,000.

(10) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), \$2,588,558,000.

(11) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvements of military family housing and facilities, \$350,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), \$29,031,000, of which not more than \$24,051,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) Limitation of Total Cost of Construction Projects.-Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under subsection (a)(1).

#### SEC. 2406. COMMUNITY IMPACT ASSISTANCE WITH REGARD TO NAVAL WEAPONS STATION, CHARLESTON, SOUTH CAROLINA.

Using amounts appropriated pursuant to the authorization of appropriations in section 2405(a)(10), the Secretary of the Navy shall transfer \$3,000,000 to the South Carolina Department of Highways and Public Transportation to be used for improvements to North Rhett Avenue, which provides access to the Naval Weapons Station, Charleston, South Carolina, to help alleviate the adverse effects of the closure of the Charleston Naval Station and Charleston Naval Shipyard, South Carolina, on the surrounding communities.

#### SEC. 2407. PLANNING AND DESIGN FOR CONSTRUCTION IN SUPPORT OF CONSOLIDATION OF OPERATIONS OF THE DEFENSE FINANCE AND ACCOUNTING SERVICE.

Of the amount authorized to be appropriated by section 2405(a)(7), \$6,000,000 shall be available for planning and design activities relating to military construction in support of the consolidation of operations of the Defense Finance and Accounting Service.

#### SEC. 2408. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1993 PROJECT.

(a) Modification of Authority.-(1) The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2599) is amended in the item relating to Fitzsimons Army Medical Center, Colorado, by striking out "\$390,000,000" in the amount column and inserting in lieu thereof "\$225,000,000".

(2) Section 2403(c)(6) of such Act (106 Stat. 2600) is amended by striking out "\$388,000,000" and inserting in lieu thereof "\$223,000,000".

(b) Certification.-(1) If the budget for fiscal year 1996 that is submitted to Congress under section 1105 of title 31, United States Code, includes a request for funds for the construction of a replacement facility at Fitzsimons Army Medical Center, Colorado, then not later than March 15, 1995, the Secretary of Defense shall submit to the congressional defense committees a certification that the replacement facility is needed to meet military health care requirements.

(2) In making the certification, the Secretary of Defense shall address the issues raised in the Audit Report of the Inspector General of the Department of Defense dated March 21, 1994, and entitled "Medical Treatment Facility Requirements-Fitzsimons Army Medical Center", including-

(A) the cost-effectiveness of building a replacement facility;

(B) the Department of Defense policy on construction of new military medical treatment facilities in areas in which the majority of the patient population is military retirees and their dependents;

(C) the percentage of the patient population in the catchment area of Fitzsimons Army Medical Center and in the Region 8 area that consists of-

- (i) active duty personnel;
- (ii) dependents of active duty personnel;
- (iii) military retirees; and
- (iv) dependents of military retirees;
- (D) the availability to and cost for the patient population in the catchment area of medical care provided by civilian medical facilities located in that area;
- (E) the occupancy rates of civilian medical facilities in the catchment area;
- (F) the nature and extent of advanced medical procedures provided by civilian medical facilities in the catchment area;
- (G) the ability of and cost to other Department of Defense medical facilities and civilian medical facilities located in the Region 8 area of providing medical care to patients in that area that are currently served by Fitzsimons Army Medical Center;
- (H) the projected occupancy rates at Fitzsimons Army Medical Center with and without patients from outside the catchment area and the Region 8 area; and
- (I) the cost-effectiveness and contribution of the Graduate Medical Education program at Fitzsimons Army Medical Center to meeting the training requirements of the Army for military medical personnel.

#### TITLE XXV-NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

##### SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program, as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

##### SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1994, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program, as authorized by section 2501, in the amount of \$119,000,000.

#### TITLE XXVI-GUARD AND RESERVE FORCES FACILITIES

##### SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 1994, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

- (1) For the Department of the Army-
  - (A) for the Army National Guard of the United States, \$188,062,000; and
  - (B) for the Army Reserve, \$57,370,000.
- (2) For the Department of the Navy, for the Naval and Marine Corps Reserve, \$22,748,000.
- (3) For the Department of the Air Force-
  - (A) for the Air National Guard of the United States, \$249,053,000; and
  - (B) for the Air Force Reserve, \$57,066,000.

##### SEC. 2602. PROHIBITION ON USE OF FUNDS FOR UNAUTHORIZED GUARD AND RESERVE PROJECTS.

(a) Prohibition of Unauthorized Projects.-Except as provided in subsection (b), funds appropriated pursuant to the authorization of appropriations in section 2601 may only be used for the purpose of paying for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces (and for contributions for such purposes) under chapter 133 of title 10, United States Code, in the case of projects for the Guard and Reserve Forces specified in the joint explanatory statement of the committee of conference to accompany the bill S. 2182 of the One Hundred and Third Congress.

(b) Exceptions.-Subsection (a) shall not apply with respect to funds authorized to be appropriated in section 2601 for unspecified planning and design and for unspecified minor construction. Such subsection shall also not apply in the case of a project for the Guard and Reserve Forces-

- (1) specifically authorized by a law enacted after the date of the enactment of this Act;
- (2) designated as emergency construction, in the same manner as provided for military construction projects under section 2803 of title 10, United States Code;
- (3) designated as contingency construction, in the same manner as provided for military construction projects under section 2804 of such title;
- (4) designated as a construction project required to carry out an environmental response action, in the same manner as provided for military construction projects under section 2810 of such title;
- (5) designated as a construction project required to repair, restore, or replace a damaged or destroyed facility, in the same manner as provided for military construction projects under section 2854 of such title; or
- (6) specified in the joint explanatory statement of the committee of conference to accompany any Act, enacted before the date of enactment of this Act, authorizing funds for military construction projects if the authorization for the project has not expired by the time the expenditure is to be made.

#### SEC. 2603. AUTHORIZATION OF PROJECTS FOR WHICH FUNDS HAVE BEEN APPROPRIATED.

(a) Fiscal Year 1994 Guard and Reserve Projects.-Section 2601 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1878) is amended-

- (1) in paragraph (1), by striking out "\$283,483,000" and inserting in lieu thereof "\$299,223,000"; and
- (2) in paragraph (2), by striking out "\$25,013,000" and inserting in lieu thereof "\$33,713,000".

(b) Fiscal Year 1993 Air National Guard Project.-Section 2601(3)(A) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2602) is amended by striking out "\$305,759,000" and inserting in lieu thereof "\$306,959,000".

(c) Fiscal Year 1992 Army National Guard Project.-Section 2601(1)(A) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1534) is amended by striking out "\$210,745,000" and inserting in lieu thereof "\$211,759,000".

#### SEC. 2604. STATE NATIONAL GUARD HEADQUARTERS, FORT DIX, NEW JERSEY.

Funds appropriated pursuant to the authorization of appropriations in section 2601(1)(A) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2602) for the renovation of facilities at Fort Dix, New Jersey, for the purpose of accommodating a consolidated New Jersey National Guard headquarters may also be used for additions and alterations to such facilities for the same purpose.

SEC. 2605. COLORADO STATE AREA COMMAND ARMORY, ENGLEWOOD, COLORADO.

(a) Contribution Authorized.-Using amounts appropriated for this purpose pursuant to the authorization of appropriations in section 2601(1)(A), the Secretary of Defense may make a contribution to the State of Colorado under paragraph (4) or (5) of section 2233(a) of title 10, United States Code, in connection with the relocation of the Colorado State Area Command Armory to Englewood, Colorado, and the improvement of such relocated armory.

(b) Computation of Amount of Contribution.-Notwithstanding section 2236(b) of title 10, United States Code, in computing the cost of construction under such section for purposes of making the contribution authorized under subsection (a), the Secretary of Defense may consider the cost or market value of the buildings and other improvements contributed by the State of Colorado in connection with the relocation of the Colorado State Area Command Armory. The amount of the Federal contribution for such armory under paragraph (4) or (5) of section 2233(a) of such title, as authorized by subsection (a), may not exceed \$2,725,000.

TITLE XXVII-EXPIRATION AND EXTENSION OF AUTHORIZATIONS

SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) Expiration of Authorizations After Three Years.-Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of-

- (1) October 1, 1997; or
- (2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1998.

(b) Exception.-Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of-

- (1) October 1, 1997; or
- (2) the date of the enactment of an Act authorizing funds for fiscal year 1998 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1992 PROJECTS.

(a) Extensions.-Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1535), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2102, 2201, 2301, or 2601 of that Act, shall remain in effect until October 1, 1995, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1996, whichever is later.

(b) Tables.-The tables referred to in subsection (a) are as follows:

Army: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
Colorado	Fort Carson	Family Housing New Construction (1 Unit)	\$150,000
Georgia	Fort Benning	General Instruction Facility	\$2,150,000

	Fort Stewart	Family Housing New Construction (120 Units)	\$9,700,000
Oregon	Umatilla Depot Activity	Ammunition Demilitarization Support Facility	\$3,600,000
		Ammunition Demilitarization Utilities	\$7,500,000

Navy: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
Mississippi	Gulfport Naval Construction Battalion Center	Controlled Humidity Warehouse	\$7,000,000
West Virginia	Green Bank Naval Observatory	Alternate Operations Center	\$5,400,000
Italy	Sigonella Naval Air Station	Operations Control Center	\$9,850,000
	Sicily Naval Communications Station	Satellite terminal	\$2,750,000
Outside United States	Various locations	Satellite terminals	\$10,570,000

Air Force: Extension of 1992 Project Authorization

State	Installation or location	Project	Amount
Alaska	Eareckson (formerly Shemya) Air Force Station	Hazardous Materials Storage	\$4,000,000
Arizona	Davis Monthan Air Force Base	Wastewater Treatment Facility	\$4,100,000
California	Beale Air Force Base	Munitions Maintenance Facility	\$2,700,000
Delaware	Dover Air Force Base	Additions and Alterations Child Development Center	\$2,600,000
Kansas	McConnell Air Force Base	Temporary Lodging Facility	\$2,700,000
Maryland	Andrews Air Force Base	Upgrade Mystic Star	\$2,700,000
North Carolina	Pope Air Force Base	Child Development Center	\$2,050,000

Army National Guard: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
California	Stockton	Additions and Alterations Combined Support Maintenance Shop	\$1,613,000
District of Columbia	Fort Belvoir	Army Aviation Support Facility	\$2,765,000
Maryland	Cheltenham	Armory/Maintenance Shop	\$3,300,000
	Towson	Direct Logistics Warehouse	\$373,000
Mississippi	West Point	Maintenance Shop	\$1,270,000
	Tupelo	Maintenance Shop	\$992,000
	Senatobia	Maintenance Shop	\$723,000
Nevada	Washoe County	Maintenance Shop	\$1,050,000
North Carolina	Camp Butner	Range	\$986,000
Ohio	Toledo	Armory	\$3,183,000
Rhode Island	Camp Varnum	Sewer and Water System	\$578,000
	Camp Fogarty	Armory	\$5,151,000

West Virginia	Huntington	Guard and Reserve Center	\$2,983,000
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Army Reserve: Extension of 1992 Project Authorizations

State	Installation or location	Project	Amount
Massachusetts	Taunton	Reserve Center	\$3,526,000
Ohio	Perrysburg	Reserve Center Addition	\$2,749,000
Pennsylvania	Johnstown	Army and Marine Corps Aviation Facility	\$30,224,000
Tennessee	Jackson	Joint Training Facility	\$1,537,000
West Virginia	Huntington	Guard and Reserve Center	\$6,617,000

SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1991 PROJECTS.

(a) Extensions.-Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1782), the authorizations for the projects set forth in the tables in subsection (b), as provided in section 2201, 2301, or 2401 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1535) and section 2702 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1880), shall remain in effect until October 1, 1995, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1996, whichever is later.

(b) Table.-The tables referred to in subsection (a) is as follows:

Navy: Extension of 1991 Project Authorization

State	Installation or location	Project	Amount
Connecticut	New London Naval Submarine Base	Thames River Dredging	\$5,300,000

Air Force: Extension of 1991 Project Authorizations

State	Installation or location	Project	Amount
California	Beale Air Force Base	Student Dormitory	\$3,650,000
Colorado	Buckley Air National Guard Base	Child Development Center	\$4,550,000
Hawaii	Schofield Barracks	Combat Arms Training/Maintenance Facility	\$1,400,000

Defense Agencies: Extension of 1991 Project Authorization

State	Installation or location	Project	Amount
Maryland	Defense Logistics Agency, Defense Reutilization and Marketing Office, Fort Meade	Covered Storage	\$9,500,000

SEC. 2704. EFFECTIVE DATE.

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of-

(1) October 1, 1994; or

(2) the date of the enactment of this Act.

TITLE XXVIII-GENERAL PROVISIONS

SUBTITLE A-MILITARY CONSTRUCTION PROGRAM AND MILITARY FAMILY  
HOUSING CHANGES

SEC. 2801. LIMITATION ON REPAIR OF EXISTING FACILITIES.

(a) Application of Limitation To Major Repairs.-Section 2811 of title 10, United States Code, is amended to read as follows:

"§2811. Repair of facilities

"(a) Repairs Using Operations and Maintenance Funds.-Using funds available to the Secretary concerned for operation and maintenance, the Secretary concerned may carry out repair projects for an entire single-purpose facility or one or more functional areas of a multipurpose facility.

"(b) Approval Required for Major Repairs.-A repair project costing more than \$5,000,000 may not be carried out under this section unless approved in advance by the Secretary concerned. In determining the total cost of a repair project, the Secretary shall include all phases of a multi-year repair project to a single facility. In considering a repair project for approval, the Secretary shall ensure that the project is consistent with force structure plans, that repair of the facility is more cost effective than replacement, and that the project is an appropriate use of operation and maintenance funds.

"(c) Prohibition on New Construction or Additions.-Construction of new facilities or additions to existing facilities may not be carried out under the authority of this section."

(b) Clerical Amendment.-The item relating to such section in the table of sections at the beginning of subchapter I of chapter 169 of title 10, United States Code, is amended to read as follows:

"2811. Repair of facilities".

SEC. 2802. CLARIFICATION OF REQUIREMENT FOR NOTIFICATION OF CONGRESS OF  
IMPROVEMENTS IN FAMILY HOUSING UNITS.

Section 2825(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) The limitation contained in the first sentence of paragraph (1) does not apply to a project for the improvement of a family housing unit or units referred to in that sentence if the project (including the amount requested for the project) is identified in the budget materials submitted to Congress by the Secretary of Defense in connection with the submission to Congress of the budget for a fiscal year pursuant to section 1105 of title 31."

SEC. 2803. LIMITED PARTNERSHIPS FOR NAVY HOUSING.



(a) Authority for Housing Partnerships.-Subchapter II of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

"§2837. Limited partnerships with private developers of housing

"(a) Limited Partnerships.- (1) In order to meet the housing requirements of members of the naval service, and the dependents of such members, at a military installation described in paragraph (2), the Secretary of the Navy may enter into a limited partnership with one or more private developers to encourage the construction of housing and accessory structures within commuting distance of the installation. The Secretary may contribute not less than five percent, but not more than 35 percent, of the development costs under a limited partnership.

"(2) Paragraph (1) applies to a military installation under the jurisdiction of the Secretary at which there is a shortage of suitable housing to meet the requirements of members and dependents referred to in such paragraph.

"(b) Collateral Incentive Agreements.-The Secretary may also enter into collateral incentive agreements with private developers who enter into a limited partnership under subsection (a) to ensure that, where appropriate-

"(1) a suitable preference will be afforded members of the naval service in the lease or purchase, as the case may be, of a reasonable number of the housing units covered by the limited partnership; or

"(2) the rental rates or sale prices, as the case may be, for some or all of such units will be affordable for such members.

"(c) Selection of Investment Opportunities.- (1) The Secretary shall use publicly advertised, competitively bid or competitively negotiated, contracting procedures, as provided in chapter 137 of this title, to enter into limited partnerships under subsection (a).

"(2) When a decision is made to enter into a limited partnership under subsection (a), the Secretary shall submit a report in writing to the appropriate committees of Congress on that decision. Each such report shall include the justification for the limited partnership, the terms and conditions of the limited partnership, a description of the development costs for projects under the limited partnership, and a description of the share of such costs to be incurred by the Secretary. The Secretary may then enter into the limited partnership only after the end of the 21-day period beginning on the date the report is received by such committees.

"(d) Account.- (1) There is hereby established on the books of the Treasury an account to be known as the 'Navy Housing Investment Account'.

"(2) There shall be deposited into the Account-

"(A) such funds as may be authorized for and appropriated to the Account; and

"(B) any proceeds received by the Secretary from the repayment of investments or profits on investments of the Secretary under subsection (a).

"(3) In such amounts as is provided in advance in appropriation Acts, the Account shall be available for contracts, investments, and expenses necessary for the implementation of this section.

"(4) The Secretary may not enter into a contract in connection with a limited partnership under subsection (a) or a collateral incentive agreement under subsection (b) unless the Account contains sufficient funds, as of the time the contract is entered into, to satisfy the total obligations to be incurred by the United States under the contract.

"(e) Navy Housing Investment Board.- (1) The Secretary of the Navy shall establish a board to be known as the 'Navy Housing Investment Board', which shall have the duties-

"(A) of advising the Secretary regarding those proposed limited partnerships under subsection (a), if any, that are financially and otherwise sound investments for meeting the objectives of this section;

"(B) of administering the Account established under subsection (d); and

"(C) of assisting the Secretary in such other ways as the Secretary determines to be necessary and appropriate to carry out this section.

"(2) The Navy Housing Investment Board shall be composed of seven members appointed for a two-year term by the Secretary. Among such members, the Secretary may appoint two persons from the private sector who have knowledge and experience in the financing and the construction of housing. The Secretary shall designate one of the members as chairperson of the Board.

"(3) Members of the Navy Housing Investment Board, other than those members regularly employed by the Federal Government, may be paid while attending meetings of the Board or otherwise serving at the request of the Secretary, compensation at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5 for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Board. Members shall receive travel expenses, including per diem in lieu of subsistence, in accordance with section 5702 and 5703 of title 5.

"(4) The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Navy Housing Investment Board.

"(f) Report.-Not later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this section, the Secretary shall transmit to Congress a report specifying the amount and nature of the deposits into, and the expenditures from, the Account during such fiscal year and of the amount and nature of all other expenditures made pursuant to such section during such fiscal year.

"(g) Transfer of Navy Lands Prohibited.-Nothing in this section shall be construed to permit the Secretary, as part of a limited partnership entered into under this section, to transfer the right, title, or interest of the United States in any real property under the jurisdiction of the Secretary.

"(h) Expiration and Termination of Authorities.-(1) The authority of the Secretary to enter into a limited partnership under this section shall expire on September 30, 1999.

"(2) The Navy Housing Investment Board shall terminate on November 30, 1999."

(b) Clerical Amendment.-The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2837. Limited partnerships with private developers of housing."

#### SEC. 2804. REIMBURSEMENT FOR SERVICES PROVIDED BY THE DEPARTMENT OF DEFENSE INCIDENT TO CONSTRUCTION, MAINTENANCE, OR REPAIR PROJECTS TO REAL PROPERTY.

(a) Fixed Rate for Reimbursement for Certain Services.-Section 2205 of title 10, United States Code, is amended-

- (1) by inserting "(a) Availability of Reimbursements.-" before the first sentence; and
- (2) by adding at the end the following new subsection:

"(b) Fixed Rate for Reimbursement for Certain Services.-The Secretary of Defense and the Secretaries of the military departments may charge a fixed rate for reimbursement of the costs of providing planning, supervision, administrative, or overhead services incident to any construction,

maintenance, or repair project to real property or for providing facility services, irrespective of the appropriation financing the project or facility services."

(b) Conforming Amendments.-(1) The heading of such section is amended to read as follows:

"§2205. Reimbursements".

(2) The item relating to such section in the table of sections at the beginning of chapter 131 of title 10, United States Code, is amended to read as follows:

"2205. Reimbursements."

#### SEC. 2805. AUTHORITY TO PAY CLOSING COSTS UNDER HOMEOWNERS ASSISTANCE PROGRAM.

Section 1013(c) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374(c)) is amended by inserting after the first sentence the following new sentence: "The Secretary may also pay a person who elects to receive a cash payment under clause (1) of the preceding sentence an amount that the Secretary determines appropriate to reimburse the person for the costs incurred by the person in the sale of the property if the Secretary determines that such payment will benefit the person and is in the best interest of the Federal Government."

#### SUBTITLE B-DEFENSE BASE CLOSURE AND REALIGNMENT

#### SEC. 2811. PROHIBITION AGAINST CONSIDERATION IN BASE CLOSURE PROCESS OF ADVANCE CONVERSION PLANNING UNDERTAKEN BY POTENTIAL AFFECTED COMMUNITIES.

(a) Department of Defense Recommendations.-Subsection (c)(3) of section 2903 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended-

- (1) by inserting "(A)" before "In considering"; and
- (2) by adding at the end the following new subparagraphs:

"(B) In considering military installations for closure or realignment, the Secretary may not take into account for any purpose any advance conversion planning undertaken by an affected community with respect to the anticipated closure or realignment of an installation.

"(C) For purposes of subparagraph (B), in the case of a community anticipating the economic effects of a closure or realignment of a military installation, advance conversion planning-

"(i) shall include community adjustment and economic diversification planning undertaken by the community before an anticipated selection of a military installation in or near the community for closure or realignment; and

"(ii) may include the development of contingency redevelopment plans, plans for economic development and diversification, and plans for the joint use (including civilian and military use, public and private use, civilian dual use, and civilian shared use) of the property or facilities of the installation after the anticipated closure or realignment."

(b) Commission Recommendations.-Subsection (d)(2) of such section is amended by adding at the end the following new subparagraph:

"(E) In making recommendations under this paragraph, the Commission may not take into account for any purpose any advance conversion planning undertaken by an affected community with respect to the anticipated closure or realignment of a military installation."

SEC. 2812. CONSULTATION REGARDING PERSONAL PROPERTY LOCATED AT  
MILITARY INSTALLATIONS TO BE CLOSED.

(a) Closures Under 1988 Act.- (1) Section 204(b)(3)(D) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following new sentence: "In connection with the development of the redevelopment plan for the installation, the Secretary shall consult with the entity responsible for developing the redevelopment plan to identify the items of personal property located at the installation, if any, that the entity desires to be retained at the installation for reuse or redevelopment of the installation."

(b) Closures Under 1990 Act.-Section 2905(b)(3)(D) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new sentence: "In connection with the development of the redevelopment plan for the installation, the Secretary shall consult with the entity responsible for developing the redevelopment plan to identify the items of personal property located at the installation, if any, that the entity desires to be retained at the installation for reuse or redevelopment of the installation."

SEC. 2813. CLARIFYING AND TECHNICAL AMENDMENTS TO BASE CLOSURE LAWS.

(a) Clarification of Scope of Termination of Authority Under 1988 Act.-Section 202(c) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) is amended-

- (1) by striking out "The authority" and inserting in lieu thereof "(1) Except as provided in paragraph (2), the authority"; and
- (2) by adding at the end the following new paragraph:

"(2) The termination of authority set forth in paragraph (1) shall not apply to the authority of the Secretary to carry out environmental restoration and waste management at, or disposal of property of, military installations closed or realigned under this title."

(b) Use of Unobligated Funds in 1988 Account for Environmental Restoration and Property Disposal.-Section 207(a)(5) of such Act is amended-

- (1) by striking out "Unobligated funds" and inserting in lieu thereof "(A) Except as provided in subparagraph (B), unobligated funds"; and
- (2) by adding at the end the following new subparagraph:

"(B) The Secretary may, after the termination of authority referred to in subparagraph (A), use any unobligated funds referred to in that subparagraph that are not transferred in accordance with that subparagraph to carry out environmental restoration and waste management at, or disposal of property of, military installations closed or realigned under this title."

(c) Clarification of Disposal Authority.-

- (1) Under 1988 act.-Section 204(b)(1) of such Act is amended in the matter above paragraph (1) by striking out "real property and facilities" and inserting in lieu thereof "real property, facilities, and personal property".
- (2) Under 1990 act.-Section 2905(b)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended in the matter above paragraph (1) by striking out "real property and facilities" and inserting in lieu thereof "real property, facilities, and personal property".

(d) Definition of Redevelopment Authority.-

- (1) Under 1988 act.-Section 209(10) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) is amended by striking out "and for" and inserting in lieu thereof "or for".

(2) Under 1990 act.-Section 2910(9) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by striking out "and for" and inserting in lieu thereof "or for".

(3) Effective date.-The amendments made by paragraphs (1) and (2) shall take effect as if included in the amendments made by section 2918 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1927).

(e) Cross Reference.-

(1) Under 1988 act.-Section 204(b)(5)(A) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note) is amended by striking out "subsection (b)(1)" and inserting in lieu thereof "paragraph (1)".

(2) Under 1990 act.-Section 2905(b)(5)(A) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by striking out "subsection (b)(1)" and inserting in lieu thereof "paragraph (1)".

#### SEC. 2814. GOVERNMENT RENTAL OF FACILITIES LOCATED ON CLOSED MILITARY INSTALLATIONS.

(a) Authorization To Rent Base Closure Properties.-To promote the rapid conversion of military installations that are closed pursuant to a base closure law, the Administrator of the General Services may give priority consideration, when leasing space in accordance with the Public Buildings Act of 1959 (40 U.S.C. 601 et seq.) and the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), to facilities of such an installation that have been acquired by a non-Federal entity.

(b) Base Closure Law Defined.-For purposes of this section, the term "base closure law" means each of the following:

(1) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

#### SEC. 2815. REPORT OF EFFECT OF BASE CLOSURES ON FUTURE MOBILIZATION OPTIONS.

(a) Report Required.-The Secretary of Defense shall prepare a report evaluating the effect of base closures and realignments conducted since January 1, 1987, on the ability of the Armed Forces to remobilize to the end strength levels authorized for fiscal year 1987 by sections 401, 403, 411, 412, and 421 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99-661; 100 Stat. 3859). The report shall identify those military construction projects, if any, that would be necessary to facilitate such remobilization and any defense assets disposed of under a base closure or realignment, such as air space, that would be difficult to reacquire in the event of such remobilization.

(b) Time for Submission.-Not later than January 31, 1996, the Secretary shall submit to the congressional defense committees the report required by this section.

#### SEC. 2816. RESTORATION OF ANNUAL LEAVE FOR CIVILIAN EMPLOYEES IN CONNECTION WITH CERTAIN BASE REALIGNMENTS.

(a) Restoration Required.-Section 6304(d)(3) of title 5, United States Code, is amended-

(1) by striking "(3)" and inserting "(3)(A)";

(2) by striking "closure of" and inserting "closure of, and any realignment with respect to,"; and

(3) by adding at the end the following new subparagraph:

"(B) For the purpose of subparagraph (A), the term `realignment' means a base realignment (as defined in subsection (e)(3) of section 2687 of title 10) that meets the requirements of subsection (a)(2) of such section."

(b) Application of Amendments.-The amendments made by subsection (a) shall apply only with respect to the restoration of annual leave of employees at military installations undergoing realignment if such leave is lost by operation of section 6304 of title 5, United States Code, on or after the date of the enactment of this Act.

#### SEC. 2817. AGREEMENTS OF SETTLEMENT FOR RELEASE OF IMPROVEMENTS AT OVERSEAS MILITARY INSTALLATIONS.

(a) Agreements Subject to OMB Review.-Subsection (g) of section 2921 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 10 U.S.C. 2687 note) is amended by inserting after the first sentence the following: "The prohibition set forth in the preceding sentence shall apply only to agreements of settlement for improvements having a value in excess of \$10,000,000."

(b) Reports to Congress.-Such subsection is further amended-

- (1) by inserting "(1)" before "The Secretary of Defense"; and
- (2) by adding at the end the following:

"(2) Each year, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on each proposed agreement of settlement that was not submitted by the Secretary to the Director of the Office of Management and Budget in the previous year under paragraph (1) because the value of the improvements to be released pursuant to the proposed agreement did not exceed \$10,000,000."

#### SUBTITLE C-CHANGES TO EXISTING LAND CONVEYANCE AUTHORITY

#### SEC. 2821. ADDITIONAL LESSEE OF PROPERTY AT NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA.

Section 2834(b) the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2614) is amended-

(1) is paragraph (1)-

(A) by striking out "City" the second place it appears and inserting in lieu thereof "Cities"; and

(B) by inserting "the City of Alameda, California," after "California," the first place it appears; and

(2) in paragraphs (2) and (3), by striking out "City" each place it appears and inserting in lieu thereof "Cities".

#### SEC. 2822. MODIFICATIONS OF LAND CONVEYANCE, FORT A.P. HILL MILITARY RESERVATION, VIRGINIA.

(a) Participation of Additional Political Subdivisions in Regional Correctional Facility.-Subparagraph (B) of subsection (c)(3) of section 603 of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 (Public Law 102-25; 105 Stat. 108) is amended to read as follows:

"(B) Subparagraph (A) shall not be construed to prohibit any political subdivision not named in such subparagraph from-

"(i) participating initially in the written agreement referred to in paragraph (2); or

"(ii) agreeing at a later date to participate as a member of the governmental entity referred to in paragraph (2)(A), or by contract with such entity, in the construction or operation of the regional facility to be constructed on the parcel of land conveyed under this section."

(b) Time for Construction and Operation of Correctional Facility.-(1) Subsection (d)(1)(A)(i) of such section is amended by striking out "not later than 24 months after the date of the enactment of this Act" and inserting in lieu thereof "not later than April 1, 1997".

(2) The Secretary of the Army shall provide the recipient of the conveyance of property under section 603 of such Act with such legal instrument as is appropriate to modify, in accordance with the amendment made by paragraph (1), any statement of conditions contained in any existing instrument which conveyed the property to that recipient. The Secretary shall record the instrument in the appropriate office or offices of the Commonwealth of Virginia or political subdivision within the Commonwealth.

#### SEC. 2823. PRESERVATION OF CALVERTON PINE BARRENS, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, NEW YORK, AS NATURE PRESERVE.

(a) Preservation as Nature Preserve Required.-Section 2854 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2626) is amended-

- (1) by redesignating subsections (a) and (b) as subsections (c) and (d), respectively;
- and
- (2) by inserting before subsection (c), as so redesignated, the following new subsections:

"(a) Purpose.-It is the purpose of this section to ensure that the Calverton Pine Barrens is maintained and preserved, in perpetuity, as a nature preserve in its current undeveloped state.

"(b) Prohibition on Inconsistent Development.-The Secretary of the Navy shall not carry out or permit any development, commercial or residential, at the Calverton Pine Barrens that is inconsistent with the purpose specified in subsection (a)."

(b) Conforming Amendments.-Subsection (c) of such section, as redesignated by subsection (a)(1), is amended-

- (1) by striking out "Prohibition.-" and inserting in lieu thereof "Reversionary Interest.-"; and
- (2) by striking out "for commercial purposes" and all that follows through the period and inserting in lieu thereof "in a manner inconsistent with the purpose specified in subsection (a) (as determined by the head of the department or agency making the conveyance)."

#### SEC. 2824. RELEASE OF REVERSIONARY INTEREST RETAINED AS PART OF CONVEYANCE OF ELECTRICITY DISTRIBUTION SYSTEM, FORT DIX, NEW JERSEY.

Section 2846 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1904) is amended-

- (1) by striking out subsection (f); and
- (2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

#### SEC. 2825. MODIFICATION OF LAND CONVEYANCE, FORT KNOX, KENTUCKY.

Section 2816 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1655) is amended-

- (1) in subsection (c)(1), by striking out "for the construction of up to four units of military family housing at Fort Knox, Kentucky" and inserting in lieu thereof "for improvements to military family housing at Fort Knox, Kentucky, in an amount not to exceed \$255,000";
- (2) by striking out subsection (d); and
- (3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

**SEC. 2826. REVISIONS TO RELEASE OF REVERSIONARY INTEREST, OLD SPANISH TRAIL ARMORY, HARRIS COUNTY, TEXAS.**

(a) Clerical Amendments.-Section 2820 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1894) is amended-

- (1) in subsection (a), by striking out "1936" and inserting in lieu thereof "1956"; and
- (2) in subsection (b)(1), by striking out "value" and inserting in lieu thereof "size".

(b) Payment for Survey.-Subsection (c) of such section is amended by adding at the end the following new sentence: "The cost of the survey shall be borne by the State of Texas."

**SEC. 2827. MODIFICATION OF HEIGHT RESTRICTION IN AVIGATION EASEMENT.**

(a) Modification.-Section 6 of the Act of July 2, 1948 (62 Stat. 1229), as added by section 2862 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1805), is amended by adding at the end the following new sentence: "In addition, such height restriction shall not apply to the structure proposed to be constructed on a parcel of real property that is within the area conveyed under this Act and is identified as 1110 Santa Rosa Boulevard, Fort Walton Beach, Florida, so long as the proposed structure upon completion does not exceed a height of 155 feet above mean low-water level."

(b) Instrument of Release.-The Secretary of the Air Force shall execute and file in the appropriate office any instrument necessary to effect the modification of the avigation easement referred to in the amendment made by subsection (a).

**SEC. 2828. TECHNICAL AMENDMENT TO CORRECT REFERENCE IN LAND TRANSACTION.**

Section 2842(c) of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1898) is amended by striking out "Washington Gas Company" and inserting in lieu thereof "American Water Company".

**SUBTITLE D-LAND CONVEYANCES**

**SEC. 2831. LAND CONVEYANCE, AIR FORCE PLANT NO. 3, TULSA, OKLAHOMA.**

(a) Conveyance Authorized.-The Secretary of the Air Force may convey, without consideration, to the City of Tulsa, Oklahoma (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, which consists of approximately 337 acres located in Tulsa, Oklahoma, and is known as Air Force Plant No. 3. The Secretary may also convey facilities, equipment, and fixtures (including special tooling and special test equipment) located on the parcel to be conveyed if the Secretary determines that manufacturing activities requiring the use of such facilities, equipment, and fixtures are likely to continue or be reinstated on the parcel after conveyance of the parcel.

(b) Lease Authority.-Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the City in exchange for security services, fire protection, and maintenance provided by the City for the property.



(c) Condition of Conveyance.-The conveyance authorized under subsection (a) shall be subject to the condition that the City, directly or through an agreement with a public or private entity, use the conveyed property (or offer the conveyed property for use) for economic redevelopment to replace all or a part of the economic activity being lost at the parcel.

(d) Reversionary Interest.-During the 5-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed real property is not being used in accordance with subsection (c), all right, title, and interest in and to the property (including any facilities, equipment, or fixtures conveyed) shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(e) Description of Property.-The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(f) Additional Terms and Conditions.-The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or a lease under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2832. LAND CONVEYANCE, AIR FORCE PLANT NO. 59, JOHNSON CITY (WESTOVER), NEW YORK.

(a) Conveyance Authorized.-The Secretary of the Air Force may convey, without consideration, to the Broome County Industrial Development Authority (in this section referred to as the "Authority"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, containing Air Force Plant No. 59, Johnson City (Westover), New York. The Secretary may also convey facilities, equipment, and fixtures (including special tooling and special test equipment) located on the parcel to be conveyed if the Secretary determines that manufacturing activities requiring the use of such facilities, equipment, and fixtures are likely to continue or be reinstituted on the parcel after conveyance of the parcel.

(b) Lease Authority.-Until such time as the real property described in subsection (a) is conveyed by deed, the Secretary may lease the property, along with improvements thereon, to the Authority in exchange for security services, fire protection, and maintenance provided by the Authority for the property.

(c) Condition of Conveyance.-The conveyance authorized under subsection (a) shall be subject to the condition that the Authority, directly or through an agreement with another public or private entity, use the conveyed property (or offer the conveyed property for use) for economic redevelopment to replace all or a part of the economic activity being lost at Air Force Plant No. 59.

(d) Reversionary Interest.-During the 5-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed real property is not being used in accordance with subsection (c), all right, title, and interest in and to the property (including any facilities, equipment, or fixtures conveyed) shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(e) Description of Property.-The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the Authority.

(f) Additional Terms and Conditions.-The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or a lease under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2833. LAND CONVEYANCE, NAVAL WEAPONS INDUSTRIAL RESERVE PLANT, CALVERTON, NEW YORK.

(a) In General.-The Secretary of the Navy may convey, without consideration, to the Community Development Agency of the Town of Riverhead, New York (in this section referred to as the "Community Development Agency"), all right, title and interest of the United States in and to a parcel of land, and improvements thereon, consisting of approximately 2,900 acres and comprising a portion of the Naval Weapons Industrial Reserve Plant, Calverton, New York.

(b) Condition of Conveyance.-(1) The conveyance authorized under subsection (a) shall be subject to the condition that the Community Development Agency, directly or through an agreement with another public or private entity, use the conveyed property (or offer the conveyed property for use) for economic redevelopment to replace all or a part of the economic activity lost at the Naval Weapons Industrial Reserve Plant.

(2) The Community Development Agency shall carry out economic redevelopment under paragraph (1) in accordance with any redevelopment plan or plans prepared with respect to the Naval Weapons Industrial Reserve Plant by a planning commission that represents entities or organizations having an interest in land use in the region in which the plant is located.

(c) Reversionary Interest.-During the 5-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed real property is not being used in accordance with subsection (b)(1), all right, title and interest in and to the property, including improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) Description of Property.-The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the Community Development Agency.

(e) Additional Terms and Conditions.-The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Secretary considers to be necessary to protect the interests of the United States.

SEC. 2834. LAND CONVEYANCE, RADAR BOMB SCORING SITE, DICKINSON, NORTH DAKOTA.

(a) Conveyance Authorized.-The Secretary of the Air Force may convey, without consideration, to the North Dakota Board of Higher Education (in this section referred to as the "Board") all right, title, and interest of the United States in and to a parcel of real property (including any improvements thereon) consisting of approximately 4 acres located in Dickinson, North Dakota, which has served as the location of a support complex, recreational facilities, and housing facilities for the Radar Bomb Scoring Site, Dickinson, North Dakota.

(b) Condition of Conveyance.-The conveyance authorized under subsection (a) shall be subject to the condition that the Board-

(1) use the property, recreational facilities, and housing facilities conveyed under such subsection for housing, recreation, and other purposes that, as determined by the Secretary, will promote and enhance educational opportunities provided by Dickinson State University; or

(2) enter into an agreement with an appropriate public or private entity to lease such property and facilities to that entity for such uses.

(c) Reversionary Interest.-During the 5-year period beginning on the date the Secretary makes the conveyance authorized under subsection (a), if the Secretary determines that the conveyed property is not being used in accordance with subsection (b), all right, title, and interest in and to the conveyed property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry onto the property. Any determination of the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) Description of Property.-The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the Board.

(e) Additional Terms and Conditions.-The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

#### SEC. 2835. LAND CONVEYANCE, FINLEY AIR FORCE STATION, FINLEY NORTH DAKOTA.

(a) Conveyance Authorized.- (1) Subject to subsection (c), the Secretary of the Air Force may convey, without consideration, to the City of Finley, North Dakota (in this section referred to as the "City"), with the consent of the City, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 12 acres, including improvements thereon, located 1.5 miles west of Finley, North Dakota, which has served as a support complex, recreational facilities, and housing facilities for the Finley Air Force Station and Radar Site, Finley, North Dakota.

(2) The parcel of property to be conveyed under paragraph (1) shall include real property referred to in that paragraph that is the location of a housing complex, the location of a waste water treatment system, and the former site of a trailer court.

(3) The purpose of the conveyance authorized under paragraph (1) is to encourage and facilitate economic redevelopment of Finley, North Dakota, following the closure of the Air Force Station and Radar Site.

(b) Condition of Conveyance.-The conveyance required under subsection (a)(1) shall be subject to the condition that the City-

(1) use the property and recreational facilities conveyed under that subsection for housing and recreation purposes; or

(2) enter into an agreement with an appropriate public or private entity or person to sell or lease the property and facilities to that entity or person for such uses.

(c) Effective Date of Conveyance.-The conveyance required under subsection (a)(1) shall occur, if at all, not earlier than January 1, 1995, and not later than June 30, 1995.

(d) Description of Property.-The exact acreage and legal description of the real property to be conveyed under subsection (a)(1) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(e) Additional Terms and Conditions.-The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a)(1) as the Secretary considers appropriate to protect the interests of the United States.

#### SEC. 2836. LAND CONVEYANCE, CORNHUSKER ARMY AMMUNITION PLANT, HALL COUNTY, NEBRASKA.

(a) Conveyance Authorized.-Subject to subsection (b), the Secretary of the Army may convey to the Hall County, Nebraska, Board of Supervisors (in this section referred to as the "Board"), or the designee of the Board, all right, title and interest of the United States in and to the real property, together with any improvements thereon, located in Hall County, Nebraska, that is the site of the Cornhusker Army Ammunition Plant.

(b) Requirement Relating to Conveyance.-The Secretary may not carry out the conveyance authorized under subsection (a) until the Secretary completes any environmental restoration required with respect to the property to be conveyed.

(c) Utilization of Property.-The Board or its designee, as the case may be, shall utilize the real property conveyed under subsection (a) in a manner consistent with the Cornhusker Army Ammunition Plant Reuse Committee Comprehensive Reuse Plan.

(d) Consideration.-In consideration for the conveyance under subsection (a), the Board or its designee, as the case may be, shall pay to the United States an amount equal to the fair market value of the real property to be conveyed, as determined by the Secretary.

(e) Use of Proceeds.- (1) The Secretary shall deposit in the special account established under section 204(h)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)(2)) the amount received from the Board or its designee under subsection (d).

(2) Notwithstanding subparagraph (A) of such section 204(h)(2), the Secretary may use the entire amount deposited in the special account under paragraph (1) for the purposes set forth in subparagraph (B) of such section 204(h)(2).

(f) Description of Property.-The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Board or its designee, as the case may be.

(g) Additional Terms and Conditions.-The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

#### SEC. 2837. LAND CONVEYANCE, HAWTHORNE ARMY AMMUNITION PLANT, MINERAL COUNTY, NEVADA.

(a) Conveyance Authorized.-The Secretary of the Army may convey, without consideration, to Mineral County, Nevada, all right, title, and interest of the United States in and to a parcel consisting of approximately 440 acres located at the Hawthorne Army Ammunition Plant, Mineral County, Nevada, and commonly referred to as the Babbitt Housing Site.

(b) Description of Property.-The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by Mineral County, Nevada.

(c) Additional Terms and Conditions.-The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

#### SEC. 2838. LAND CONVEYANCE, FORT DIX, NEW JERSEY.

(a) Conveyance Authorized.-The Secretary of the Army may convey, without consideration, to the City of Edison, New Jersey (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) included on the real property inventory of Fort Dix, New Jersey, which consists of approximately

10 acres and contains recreational fields and an unused garage identified as building 1072 on the real property inventory.

(b) Condition of Conveyance.-The conveyance required by subsection (a) shall be subject to the condition that the City-

(1) maintain and use the recreational fields conveyed under such subsection for recreational purposes; and

(2) permit the women's softball team known as the Edison Angels (and any successor to such team) to continue to use such recreational fields on the same terms and conditions as contained in the agreement between the team and the Secretary, in existence on the date of the enactment of this Act.

(c) Reversionary Interest.-If the Secretary determines that the City is not complying with the conditions specified in subsection (b), all right, title, and interest of the City in and to the property conveyed under subsection (a) (including improvements thereon) shall revert to the United States, and the United States shall have the right of immediate reentry on the property.

(d) Description of Property.-The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(e) Additional Terms and Conditions.-The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

#### SEC. 2839. LAND CONVEYANCE, DEFENSE FUEL SUPPLY POINT, CASCO BAY, MAINE.

(a) Conveyance Authorized.-Subject to subsection (b), the Secretary of the Navy may convey, without consideration, to the Town of Harpswell, Maine (in this section referred to as the "Town"), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements (other than underground fuel storage facilities and above-ground fuel storage facilities) thereon and the pier associated therewith, consisting of approximately 118 acres and located in Harpswell, Maine, the location of the Defense Fuel Supply Point, Casco Bay, Maine.

(b) Requirements Relating to Conveyance.-The Secretary may not make the conveyance authorized under subsection (a) until the Secretary of Defense-

(1) completes the removal from the parcel of all underground fuel storage facilities and above-ground fuel storage facilities; and

(2) notifies the Secretary of the Navy that the Secretary of Defense has carried out the requirements set forth in section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9620(h)) with respect to the parcel.

(c) Description of Property.-The exact acreage and legal description of the property conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of the survey shall be borne by the Town.

(d) Additional Terms and Conditions.-The Secretary of the Navy may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

#### SEC. 2840. LAND CONVEYANCE, ARMY RESERVE FACILITY, RIO VISTA, CALIFORNIA.

(a) Conveyance Authorized.-The Secretary of the Army may convey to the City of Rio Vista, California (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) containing the Reserve training facility located in Rio Vista, California.

(b) Condition of Conveyance.-The conveyance authorized under subsection (a) shall be subject to the condition that the City use the property for recreational purposes.

(c) Consideration.-In recognition of the public use to which the conveyed property will be devoted, the Secretary may require the City to pay to the United States an amount equal to less than the fair market value of the property, as determined by the Secretary, as consideration for the conveyance under subsection (a).

(d) Description of Property.-The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(e) Additional Terms and Conditions.-The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

#### SEC. 2841. LEASE OF PROPERTY, NAVAL SHIPYARD, VALLEJO, CALIFORNIA.

(a) Lease Authorized.-The Secretary of the Navy may lease, without consideration, to the City of Vallejo, California (in this section referred to as the "City"), the real property (including improvements thereon) described in subsection (b), which is located on Mare Island in Vallejo, California, and is currently under the control of Mare Island Naval Shipyard Command.

(b) Covered Property.-The parcel of real property to be leased under subsection (a) shall consist of all existing active dredge ponds and nontidal areas on Mare Island under the jurisdiction of the Navy, except that the parcel shall not include the nontidal areas identified in figure 3 of the Memorandum of Understanding between the United State Fish and Wildlife Service and Mare Island Naval Shipyard, dated July 28, 1988.

(c) Lease Terms.-The lease authorized under subsection (a)-

(1) may be for a period of not more than 15 years; and

(2) shall provide that the City-

(A) retain environmental responsibility for all actions of the City on the property subject to the lease; and

(B) hold harmless, indemnify, and defend the United States from and against any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for injury or damage that results from, or is in any manner predicated upon activities of the City on the leased property during the term of the lease.

(d) Additional Terms and Conditions.-The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

#### SEC. 2842. LEASE OF PROPERTY, NAVAL RADIO RECEIVING FACILITY, IMPERIAL BEACH, CORONADO, CALIFORNIA.

(a) Lease Authorized.-The Secretary of the Navy may lease to the Young Men's Christian Association of San Diego County, a California nonprofit public benefit corporation (in this section referred to as the "YMCA"), such interests in a parcel of real property (including any improvements thereon) consisting of approximately 45 acres at the Naval Radio Receiving Facility, Imperial Beach, Coronado, California, as the Secretary considers appropriate for the YMCA to operate and maintain a summer youth residence camp known as the YMCA San Diego Unified Recreational Facility (Camp SURF). Pursuant to the lease, the Secretary may authorize the YMCA to construct facilities on the parcel.

(b) Lease Terms.-The lease authorized in subsection (a) shall be for a period of 50 years, or such longer period as the Secretary determines to be in the best interests of the United States.

(c) Consideration.-As consideration for the lease of real property under subsection (a), the YMCA shall-

- (1) agree to maintain and enhance the natural resources of the leased premises; and
- (2) pay to the United States an amount in cash equal to the difference between the rental price prescribed by the Secretary under subsection (d) and the value of natural resources maintenance and enhancements performed by the YMCA, as determined by the Secretary.

(d) Determination of Rental Price.-Acknowledging the benefits the YMCA has provided to the Armed Forces and the specific benefits Camp Surf provides to the children of San Diego, the Secretary may prescribe a rental price for the real property leased under subsection (a) that is less than fair market rental value.

(e) Additional Terms and Conditions.-The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary considers appropriate to protect the operation of the Naval Radio Receiving Facility, Imperial Beach, and to protect the interests of the United States.

#### SEC. 2843. AUTHORITY FOR OXNARD HARBOR DISTRICT, PORT HUENEME, CALIFORNIA, TO USE CERTAIN NAVY PROPERTY.

(a) Joint Use Agreement Authorized.-The Secretary of the Navy may enter into an agreement with the Oxnard Harbor District, Port Hueneme, California, a special district of the State of California (in this section referred to as the "District"), under which the District may use United States Navy Wharf Number 3 and associated real property comprising up to 25 acres located at the Naval Construction Battalion Center, Port Hueneme, California (in this section referred to as the "Center").

(b) Term of Agreement.-The agreement authorized under subsection (a) may be for an initial period of not more than 15 years. Under the agreement, the Secretary shall provide the District with an option to extend the agreement for three additional periods of 5 years each.

(c) Restrictions on Use.-The agreement authorized under subsection (a) shall require the District-

- (1) to suspend operations under the agreement in the event Navy contingency operations are conducted at the Center; and
- (2) to use the property covered by the agreement in a manner consistent with Navy operations conducted at the Center.

(d) Consideration.- (1) As consideration for the use of the property covered by the agreement under subsection (a), the District shall pay to the Navy an amount equal to the fair market rental value of the property, as determined by the Secretary taking into consideration the District's use of the property.

- (2) The Secretary may include a provision in the agreement requiring the District-
  - (A) to pay the Navy an amount (as determined by the Secretary) to cover the costs of replacing at the Center any facilities vacated by the Navy on account of the agreement or to construct suitable replacement facilities for the Navy; and
  - (B) to pay the Navy an amount (as determined by the Secretary) for the costs of relocating Navy operations from the vacated facilities to the replacement facilities.

(e) Congressional Notification.-The Secretary may not enter into the agreement authorized by subsection (a) until the end of the 21-day period beginning on the date on which the Secretary

submits to Congress a report containing an explanation of the terms of the proposed agreement and a description of the consideration that the Secretary expects to receive under the agreement.

(f) Use of Payment.-(1) In such amounts as is provided in advance in appropriation Acts, the Secretary may use amounts paid under subsection (d)(1) to pay for general supervision, administration, and overhead expenses and for improvement, maintenance, repair, construction, or restoration to the port operations area (or to roads and railways serving the area) at the Center.

(2) In such amounts as is provided in advance in appropriation Acts, the Secretary may use amounts paid under subsection (d)(2) to pay for constructing new facilities, or making modifications to existing facilities, that are necessary to replace facilities vacated by the Navy on account of the agreement under subsection (a) and for relocating operations of the Navy from the vacated facilities to replacement facilities.

(g) Construction by District.-The Secretary may authorize the District to demolish existing facilities located on the property covered by the agreement under subsection (a) and, consistent with the restriction specified in subsection (c)(2), construct new facilities on the property for joint use by the District and the Navy.

(h) Additional Terms and Conditions.-The Secretary may require such additional terms and conditions in connection with the agreement authorized under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

#### SEC. 2844. TRANSFER OF JURISDICTION, AIR FORCE HOUSING AT RADAR BOMB SCORING SITE, HOLBROOK, ARIZONA.

(a) Transfer Authorized.-As part of the closure of an Air Force Radar Bomb Scoring Site located near Holbrook, Arizona, the Secretary of the Air Force may transfer, without reimbursement, the administrative jurisdiction, accountability, and control of the housing units and associated support facilities used in connection with the site to the Secretary of the Interior for use in connection with Petrified Forest National Park.

(b) Description of Property.-The exact acreage and legal description of the real property to be transferred under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Air Force and the Secretary of the Interior.

(c) Additional Terms and Conditions.-The Secretary of the Air Force may require such additional terms and conditions in connection with the transfer of real property under subsection (a) as the Secretary considers appropriate.

#### SEC. 2845. TRANSFER OF JURISDICTION, HOLLOMAN AIR FORCE BASE, NEW MEXICO.

(a) In General.-Subject to subsections (c) through (g), not later than 90 days after the date of enactment of this Act, the Secretary of the Interior shall transfer to the Department of the Air Force, without reimbursement, jurisdiction and control of approximately 1,262 acres of public lands described in subsection (b). Such public lands are located in Otero County, New Mexico, and are contiguous to Holloman Air Force Base.

(b) Description of Lands Transferred.-The lands described in this subsection are as follows:

(1) T17S, R8E, Section 21:	S1/2 N1/2:	160 acres
	E1/2 NW1/4 NE1/4:	20 acres
	NE1/4 NE1/4:	40 acres
(2) T17S, R8E, Section 22:	W1/2:	320 acres



	W1/2 E1/2:	160 acres
(3) T17S, R8E, Section 27:	All that part north of New Mexico Highway 70 except for the E1/2 E1/2	192 acres more or less
(4) T17S, R8E, Section 28:	NE1/4:	160 acres
	N1/2 SE1/4:	80 acres
	SW1/4 SE1/4:	40 acres
	W1/2 SE1/4 SE1/4:	20 acres
(5) T17S, R8E, Section 33:	NW1/4 NE1/4:	40 acres
	NW1/4 NE1/4 NE1/4:	10 acres
	W1/2 SW1/4 NE1/4:	20 acres

(c) Use of Transferred Land.-The lands transferred to the Department of the Air Force under subsection (a) shall be used by the Secretary of the Air Force for the construction of new evaporation ponds to support a wastewater treatment facility that the Secretary shall construct at Holloman Air Force Base.

(d) Cattle Grazing Rights.-

(1) In general.-The United States recognizes a grazing preference on the lands transferred to the Department of the Air Force under subsection (a).

(2) Adjustment of grazing allotment.-(A) The Secretary of the Air Force shall take such action as is necessary to ensure that-

(i) the boundary of the grazing allotment that contains the lands transferred to the Department of the Air Force is adjusted in such manner as to retain the portion of the allotment located south of United States Highway 70 in New Mexico and remove the portion of the lands that is located north of such highway; and

(ii) the grazing preference referred to in paragraph (1) is retained by means of transferring the preference for the area removed from the allotment under subparagraph (A) to public lands located south of such highway.

(B) The Secretary of the Air Force shall offer to enter into an agreement with each person who holds a permit for grazing on the lands transferred to the Department of the Air Force at the time of the transfer to provide for the continued grazing by livestock on the portion of the lands located south of such highway.

(e) Additional Requirements.-

(1) National environmental policy act of 1969.-The Secretary of the Air Force shall ensure that the transfer made pursuant to subsection (a) and the use specified in subsection (c) meet any applicable requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) Environmental laws.-The Secretary of the Air Force shall use and manage the lands transferred under the authority in subsection (a) in such manner as to ensure compliance with applicable environmental laws (including regulations) of the Federal Government and State of New Mexico, and political subdivisions thereof.

(3) Responsibility for cleanup of hazardous substances.-Upon the transfer of the lands under subsection (a), the Secretary of the Air Force shall assume any existing or subsequent responsibility for the cost of response for release of hazardous substances (as defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14))) located on or within the lands transferred.

(4) Mining.-The transfer of lands under subsection (a) shall be made in such manner as to ensure the continuation of valid, existing rights under the mining laws and the mineral leasing and geothermal leasing laws of the United States. Subject to the preceding sentence, upon the transfer of the lands, mining and mineral management activities shall be carried out in the lands in a manner consistent with the policies of the Department of Defense concerning mineral exploration and extraction on lands under the jurisdiction of the Department.

(f) Rights-Of-Way.-The transfer of lands under subsection (a) shall not affect the following rights-of-way:

(1) The right-of-way granted to the Otero County Electric Cooperative, numbered NMNM 58293.

(2) The right-of-way granted to U.S. West Corporation, numbered NMNM 59261.

(3) The right-of-way granted to the Highway Department of the State of New Mexico, numbered LC0 54403.

(g) Public Access.-

(1) In general.-Except as provided in paragraph (2), the Secretary of the Air Force shall permit public access to the lands transferred under subsection (a).

(2) Construction site.-The Secretary of the Air Force may not permit public access to the immediate area affected by the construction of a wastewater treatment facility in the area with the legal description of T17S, R8E, Section 22, except that the Secretary of the Air Force shall permit public access on an adjoining unfenced parcel of land-

(A) located along the west boundary of such area; and

(B) that is 50 feet in width.

(3) Public uses.-Except as provided in paragraph (2), the Secretary of the Air Force shall permit, on the lands transferred under subsection (a), public uses that are consistent with the public uses on adjacent lands under the jurisdiction of the Secretary of the Interior.

(4) Permit not required.-The Secretary of the Air Force may not require a permit for access authorized under this subsection to the lands transferred under subsection (a).

(5) Entry gate.-The Secretary of the Air Force shall ensure that the entry gate to the lands transferred under subsection (a) that is located along United States Highway 70 shall be open to the public.

#### SEC. 2846. TRANSFER OF JURISDICTION, FORT DEVENS, MASSACHUSETTS.

(a) Transfer Authorized.-The Secretary of the Army may transfer, without reimbursement, administrative jurisdiction of approximately 800 acres of land at Fort Devens, Massachusetts, to the Secretary of the Interior for inclusion in the Oxbow National Wildlife Refuge, Massachusetts. The exact acreage of the land subject to the transfer shall be jointly determined by the Secretary of the Army and the Secretary of the Interior, in consultation with the Joint Boards of Selectmen of the towns of Harvard, Ayer, Shirley, and Lancaster in the State of Massachusetts and the Massachusetts Land Bank.

(b) Administration of Land.-The Secretary of the Interior shall administer the land transferred under this section in accordance with all laws applicable to areas in the National Wildlife Refuge System.

(c) Description of Property.-The exact acreage and legal description of the property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Army and the Secretary of the Interior.

#### SEC. 2847. RELEASE OF REQUIREMENTS AND REVERSIONARY INTEREST ON CERTAIN PROPERTY IN BALTIMORE, MARYLAND.

(a) Release Authorized.-The Secretary of Defense may release, without consideration, the requirements and the reversionary interest of the United States that are described in section 2 of the Act entitled "An Act granting a site for a dry-dock in the city of Baltimore upon certain conditions", approved June 19, 1878 (Chapter 310; 20 Stat. 167).

(b) Additional Terms and Conditions.-The Secretary may require such additional terms or conditions in connection with the release required under this section as the Secretary considers appropriate to protect the interests of the United States.

(c) Instrument of Release.-The Secretary may execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument effectuating the release of the reversionary interest under this section.

#### SEC. 2848. RELEASE OF REVERSIONARY INTEREST ON CERTAIN PROPERTY IN YORK COUNTY AND JAMES CITY COUNTY, VIRGINIA, AND NEWPORT NEWS, VIRGINIA.

(a) Release Authorized.-The Secretary of the Navy may release, without consideration, the reversionary interest of the United States in the real property conveyed by the deed described in subsection (b).

(b) Deed Description.-The deed referred to in subsection (a) is a deed between the United States and the Commonwealth of Virginia dated August 17, 1966, which conveyed to the Commonwealth of Virginia certain parcels of land located in York County and James City County, Virginia, and the city of Newport News, Virginia.

(c) Additional Terms.-The Secretary may require such terms or conditions in connection with the release under this section as the Secretary considers appropriate to protect the interests of the United States and to ensure that the real property will continue to be used for public purposes.

(d) Instrument of Release.-The Secretary may execute and file in the appropriate office or offices a deed of release, amended deed, or other appropriate instrument effectuating the release of the reversionary interest under this section.

#### SUBTITLE E-OTHER MATTERS

#### SEC. 2851. JOINT CONSTRUCTION CONTRACTING FOR COMMISSARIES AND NONAPPROPRIATED FUND INSTRUMENTALITY FACILITIES.

(a) Single Contract Construction.-Section 2685 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) The Secretary of a military department may authorize a nonappropriated fund instrumentality of the United States to enter into a contract for construction of a shopping mall or similar facility for a commissary store and one or more nonappropriated fund instrumentality activities. The Secretary may use the proceeds of adjustments or surcharges authorized by subsection (a) to reimburse the nonappropriated fund instrumentality for the portion of the cost of the contract that is attributable to construction of the commissary store or to pay the contractor directly for that portion of such cost.

"(2) In paragraph (1), the term 'construction', with respect to a facility, includes acquisition, conversion, expansion, installation, or other improvement of the facility."

(b) Obligation of Anticipated Proceeds.-Subsection (c) of such section is amended by inserting "or (d)" after "subsection (b)" both places it appears.

#### SEC. 2852. NATIONAL GUARD FACILITY CONTRACTS SUBJECT TO PERFORMANCE SUPERVISION BY ARMY OR NAVY.

(a) Contracts Subject To Supervision.-Subsection (a) of section 2237 of title 10, United States Code, is amended by striking out "under any provision" and all that follows through "and (4)" and inserting in lieu thereof "under section 2233(a)(1)".

(b) Conforming Amendment.-Subsection (b) of such section is amended by striking out "section 2233(a)(2), (3), or (4)" and inserting in lieu thereof "paragraph (2), (3), (4), (5), or (6) of section 2233(a)".

SEC. 2853. REPEAL OF RESTRICTIONS ON LAND TRANSACTIONS RELATING TO PRESIDIO OF SAN FRANCISCO, CALIFORNIA.

Section 2856 of the Military Construction Authorization Act for Fiscal Year 1994 (division B of Public Law 103-160; 107 Stat. 1908) is repealed.

SEC. 2854. REPORT ON USE OF FUNDS FOR ENVIRONMENTAL RESTORATION AT CORNHUSKER ARMY AMMUNITION PLANT, HALL COUNTY, NEBRASKA.

(a) Report Required.-The Secretary of the Army shall submit to Congress a report describing the manner in which funds available to the Army for operation and maintenance (including funds in the Defense Environmental Restoration Account established under section 2703(a)(1) of title 10, United States Code) will be used by the Secretary for environmental restoration and maintenance of the real property that comprises the Cornhusker Army Ammunition Plant, Hall County, Nebraska.

(b) Contents.-The report shall include the following:

(1) The funding plan for environmental restoration at the Cornhusker Army Ammunition Plant.

(2) A legal opinion stating whether any portion of the funds to be used for such environmental restoration may be used for the repair of the roads at the Plant in order to bring such roads into compliance with applicable State and local public works codes.

(3) A survey of the roads at the Plant that identifies which roads, if any, are in need of repair in order to bring the roads at the Plant into compliance with such codes.

(4) An estimate of the cost of the repair of the roads referred to in paragraph (3) in order to bring the roads into compliance.

(5) An explanation of the purpose, cost, and source of funds for any proposed preservation of documents or other materials relating to the cultural, historical, and natural resources associated with the Plant.

(c) Submission of Report.-The Secretary shall submit the report required by this section not later than May 1, 1995.

SEC. 2855. ENGINEERING, DESIGN, CONSTRUCTION, AND RELATED SERVICES FOR WOMEN IN MILITARY SERVICE FOR AMERICA MEMORIAL.

The Secretary of the Army is authorized, upon request by the Women in Military Service for America Memorial Foundation, Inc., to provide engineering, design, construction management, and related services, directly or by contract, to the Women in Military Service for America Memorial Foundation, Inc., on a reimbursable basis, for the purpose of repair, restoration, and preservation of the main gate structures, center plaza, and hemicycle of the Arlington National Cemetery, Arlington, Virginia, and the construction of the Women in Military Service for America Memorial.

SEC. 2856. SENSE OF THE SENATE ON AUTHORIZATION OF FUNDS FOR MILITARY CONSTRUCTION PROJECTS NOT REQUESTED IN THE PRESIDENT'S ANNUAL BUDGET REQUEST.

(a) Sense of the Senate.-It is the sense of the Senate that, to the maximum extent practicable, the Senate should consider the authorization for appropriation of funds for a military construction project not included in the annual budget request of the Department of Defense only if-

(1) the project is consistent with past actions under the base closure laws;

(2) the project is included in the military construction plan of the military department concerned incorporated in the Future Years Defense Program;

- (3) the project is necessary for reasons of the national security of the United States;
- and
- (4) a contract for construction of the project can be awarded in that fiscal year.

(b) Views of the Secretary of Defense.-In considering these criteria, the Senate should obtain the views of the Secretary of Defense. These views should include whether funds for a military construction project not included in the budget request can be offset by funds for other programs, projects, or activities, including military construction projects, in the budget request and, if so, the specific offsetting reductions recommended by the Secretary of Defense.

(c) Base Closure Laws Defined.-For purposes of this section, the term "base closure laws" means each of the following:

- (1) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).
- (2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).
- (3) Section 2687 of title 10, United States Code.
- (4) Any other similar law enacted after the date of the enactment of this Act.

## DIVISION C-DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

### TITLE XXXI-DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

#### SUBTITLE A-NATIONAL SECURITY PROGRAMS AUTHORIZATIONS

#### SEC. 3101. WEAPONS ACTIVITIES.

(a) Research and Development.-Subject to subsection (e), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for research and development in carrying out weapons activities necessary for national security programs in the amount of \$1,321,937,000, to be allocated as follows:

- (1) For core research and development, \$777,251,000, to be allocated as follows:
  - (A) For operating expenses, \$649,341,000.

- (B) For capital equipment, \$59,420,000.

- (C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$68,490,000, to be allocated as follows:

- Project GPD-101, general plant projects, various locations, \$4,500,000.

- Project 95-D-102, Chemical and Metallurgy Research Building upgrades, Los Alamos National Laboratory, New Mexico, \$3,300,000.

- Project 94-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, \$13,000,000.

- Project 92-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations, \$21,810,000.

- Project 90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, \$4,900,000.

- Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, \$20,980,000.

- (2) For operating expenses for stockpile stewardship, \$152,419,000.

- (3) For inertial fusion, \$176,473,000, to be allocated as follows:

- (A) For operating expenses, \$166,755,000.

- (B) For capital equipment, \$9,718,000.

- (4) For technology transfer, \$215,794,000, to be allocated as follows:

- (A) For operating expenses, \$209,794,000.

(B) For capital equipment, \$6,000,000.

(b) Testing.-Subject to subsection (e), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for testing in carrying out weapons activities necessary for national security programs in the amount of \$208,000,000, to be allocated as follows:

(1) For weapons programs, \$201,000,000, to be allocated as follows:

(A) For testing capabilities and readiness, \$165,000,000.

(B) For capital equipment, \$15,000,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$21,000,000, to be allocated as follows:

Project GPD-101, general plant projects, various locations, \$4,000,000.

Project 93-D-102, Nevada support facility, North Las Vegas, Nevada, \$17,000,000.

(2) For Marshall Islands dose reconstruction, \$7,000,000, to be allocated as follows:

(A) For operating expenses, \$6,530,000.

(B) For capital equipment, \$470,000.

(c) Stockpile Support.-Subject to subsection (e), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for stockpile support in carrying out weapons activities necessary for national security programs in the amount of \$1,698,556,000, to be allocated as follows:

(1) For operating expenses for stockpile support, \$1,476,785,000.

(2) For operating expenses for reconfiguration, \$94,271,000.

(3) For capital equipment, \$20,180,000.

(4) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$107,320,000, to be allocated as follows:

Project 88-D-122, facilities capability assurance program, various locations, \$14,820,000.

Project GPD-121, general plant projects, various locations, \$1,000,000.

Project 95-D-123, replacement transportation safeguards division aviation facility, Albuquerque, New Mexico, \$2,000,000.

Project 95-D-122, sanitary sewer upgrade Y-12 Plant, Oak Ridge, Tennessee, \$2,200,000.

Project 94-D-124, hydrogen fluoride supply system, Y-12 Plant, Oak Ridge, Tennessee, \$6,300,000.

Project 94-D-125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, \$1,000,000.

Project 94-D-127, emergency notification system, Pantex Plant, Amarillo, Texas, \$1,000,000.

Project 94-D-128, environmental safety and health analytical laboratory, Pantex Plant, Amarillo, Texas, \$1,000,000.

Project 93-D-122, life safety upgrades, Y-12 Plant, Oak Ridge, Tennessee, \$5,000,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, \$15,000,000.

Project 93-D-123, complex-21, various locations, \$58,000,000.

(d) Program Direction.-Subject to subsection (e), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for program direction in carrying out weapons activities necessary for national security programs in the amount of \$159,852,000, to be allocated as follows:

(1) For operating expenses for weapons program direction, \$157,498,000.

(2) For capital equipment, \$2,354,000.

(e) Adjustments.-The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (d) reduced by the sum of-

- (1) \$143,276,000, for use of prior year balances; and
- (2) \$11,000,000, for savings resulting from procurement reform.

#### SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) Corrective Activities.-Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for corrective activities in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$512,000, all of which shall be available for the following plant project (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and land acquisition related thereto):

Project 92-D-403, tank upgrades project, Lawrence Livermore National Laboratory, California.

(b) Environmental Restoration.- (1) Subject to paragraph (2), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for environmental restoration for operating expenses in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$1,518,549,000.

(2) Subject to subsection (h), the amount authorized to be appropriated pursuant to this subsection is the amount authorized to be appropriated in paragraph (1) reduced by \$133,900,000, as a result of the productivity savings initiative.

(c) Waste Management.- (1) Subject to paragraph (2), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for waste management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$2,855,772,000, to be allocated as follows:

(A) For operating expenses, \$2,390,066,000.

(B) For capital equipment, \$90,790,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$374,916,000, to be allocated as follows:

Project GPD-171, general plant projects, various locations, \$16,832,000.

Project 95-E-600, hazardous materials training center, Richland, Washington, \$7,000,000.

Project 95-D-401, radiological support facilities, Richland, Washington, \$1,585,000.

Project 95-D-402, install permanent electrical service, Waste Isolation Pilot Plant, New Mexico, \$700,000.

Project 95-D-403, hazardous waste storage facility, Mound Plant, Miamisburg, Ohio, \$597,000.

Project 95-D-405, industrial landfill V and construction demolition landfill VII, Y-12 Plant, Oak Ridge, Tennessee, \$1,000,000.

Project 95-D-406, road 5-01 reconstruction, area 5, Nevada Test Site, Nevada, \$2,338,000.

Project 95-D-407, 219-S secondary containment upgrade, Richland, Washington, \$2,000,000.

Project 95-D-408, Phase II liquid effluent treatment and disposal, Richland, Washington, \$7,100,000.

Project 94-D-400, high explosive wastewater treatment system, Los Alamos National Laboratory, Los Alamos, New Mexico, \$1,000,000.

Project 94-D-402, liquid waste treatment system, Nevada Test Site, Nevada, \$3,292,000.

Project 94-D-404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, \$21,373,000.

Project 94-D-406, low-level waste disposal facilities, K-25, Oak Ridge, Tennessee, \$6,000,000.

Project 94-D-407, initial tank retrieval systems, Richland, Washington, \$17,700,000.

Project 94-D-408, office facilities-200 East, Richland, Washington, \$4,000,000.

Project 94-D-411, solid waste operation complex, Richland, Washington, \$42,200,000.

Project 94-D-416, solvent storage tanks installation, Savannah River, South Carolina, \$1,700,000.

Project 94-D-417, intermediate-level and low-activity waste vaults, Savannah River, South Carolina, \$300,000.

Project 93-D-174, plant drain waste water treatment upgrades, Y-12 Plant, Oak Ridge, Tennessee, \$1,400,000.

Project 93-D-178, building 374 liquid waste treatment facility, Rocky Flats, Golden, Colorado, \$3,300,000.

Project 93-D-181, radioactive liquid waste line replacement, Richland, Washington, \$3,300,000.

Project 93-D-182, replacement of cross-site transfer system, Richland, Washington, \$14,810,000.

Project 93-D-183, multi-tank waste storage facility, Richland, Washington, \$88,605,000.

Project 93-D-187, high-level waste removal from filled waste tanks, Savannah River, South Carolina, \$26,525,000.

Project 92-D-177, tank 101-AZ waste retrieval system, Richland, Washington, \$5,000,000.

Project 92-D-188, waste management ES&H, and compliance activities, various locations, \$2,846,000.

Project 91-D-171, waste receiving and processing facility, module 1, Richland, Washington, \$3,995,000.

Project 90-D-172, aging waste transfer line, Richland, Washington, \$3,819,000.

Project 90-D-177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, \$1,747,000.

Project 90-D-178, TSA retrieval containment building, Idaho National Engineering Laboratory, Idaho, \$7,594,000.

Project 89-D-173, tank farm ventilation upgrade, Richland, Washington, \$300,000.

Project 89-D-174, replacement high-level waste evaporator, Savannah River, South Carolina, \$18,000,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, California, \$5,900,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, \$6,000,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, \$45,058,000.

(2) Subject to subsection (h), the total amount authorized to be appropriated pursuant to this subsection is the sum of the amounts authorized to be appropriated in paragraph (1) reduced by \$160,800,000, as a result of the productivity savings initiative.



(d) Technology Development.-Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for technology development in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$405,759,000, to be allocated as follows:

- (1) For operating expenses, \$380,974,000.
- (2) For capital equipment, \$24,785,000.

(e) Transportation Management.-Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for transportation management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$20,684,000, to be allocated as follows:

- (1) For operating expenses, \$20,240,000.
- (2) For capital equipment, \$444,000.

(f) Program Direction.-Subject to subsection (h), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$84,948,000, to be allocated as follows:

- (1) For operating expenses, \$83,748,000.
- (2) For capital equipment, \$1,200,000.

(g) Facility Transition and Management.- (1) Subject to paragraph (2), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for facility transition and management in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$772,967,000, to be allocated as follows:

- (A) For operating expenses, \$676,884,000.
- (B) For capital equipment, \$18,947,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$77,136,000, to be allocated as follows:

Project GPD-171, general plant projects, various locations, \$15,211,000.

Project 95-D-454, 324 facility compliance/renovation, Richland, Washington, \$1,500,000.

Project 95-D-456, security facilities upgrade, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, \$986,000.

Project 94-D-122, underground storage tanks, Rocky Flats, Golden, Colorado, \$2,500,000.

Project 94-D-401, emergency response facility, Idaho National Engineering Laboratory, Idaho, \$5,219,000.

Project 94-D-412, 300 area process sewer piping system upgrade, Richland, Washington, \$7,800,000.

Project 94-D-415, medical facilities, Idaho National Engineering Laboratory, Idaho, \$4,920,000.

Project 94-D-451, infrastructure replacement, Rocky Flats Plant, Golden, Colorado, \$10,600,000.

Project 93-D-172, electrical upgrade, Idaho National Engineering Laboratory, Idaho, \$7,800,000.

Project 93-D-184, 325 facility compliance/renovation, Richland, Washington, \$1,000,000.

Project 93-D-186, 200 area unsecured core area fabrication shop, Richland, Washington, \$4,000,000.

Project 92-D-125, master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, \$2,100,000.

Project 92-D-181, INEL fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, \$6,000,000.

Project 92-D-182, INEL sewer system upgrade, Idaho National Engineering Laboratory, Idaho, \$1,900,000.

Project 92-D-186, steam system rehabilitation, Phase II, Richland, Washington, \$5,600,000.

(2) Subject to subsection (h), the total amount authorized to be appropriated pursuant to this subsection is the sum of the amounts authorized to be appropriated in paragraph (1) reduced by \$5,000,000, as a result of the productivity savings initiative.

(h) Adjustments.-The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a), (b)(2), (c)(2), (d), (e), (f), and (g)(2) reduced by the sum of-

(1) \$249,300,000, for use of prior year balances; and

(2) \$17,500,000, for savings resulting from procurement reform.

#### SEC. 3103. NUCLEAR MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS.

(a) Materials Support.-Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for materials support in carrying out nuclear materials support necessary for national security programs in the amount of \$902,255,000, to be allocated as follows:

(1) For reactor operations, \$163,634,000.

(2) For processing of nuclear materials, \$410,468,000.

(3) For support services, \$167,776,000.

(4) For capital equipment, \$39,427,000.

(5) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$64,950,000, to be allocated as follows:

Project GPD-146, general plant projects, various locations, \$15,000,000.

Project 95-D-155, upgrade site road infrastructure, Savannah River, South Carolina, \$750,000.

Project 95-D-156, radio trunking system, Savannah River, South Carolina, \$2,100,000.

Project 95-D-157, D-area powerhouse life extension, Savannah River, South Carolina, \$4,000,000.

Project 95-D-158, disassembly basin upgrades K, L, and P, Savannah River, South Carolina, \$13,000,000.

Project 93-D-147, domestic water system upgrade, Phases I and II, Savannah River, South Carolina, \$11,300,000.

Project 93-D-148, replace high-level drain lines, Savannah River, South Carolina, \$2,700,000.

Project 93-D-152, environmental modification for production facilities, Savannah River, South Carolina, \$2,900,000.

Project 92-D-143, health protection instrument calibration facility, Savannah River, South Carolina, \$3,000,000.

Project 90-D-149, plantwide fire protection, Phases I and II, Savannah River, South Carolina, \$5,000,000.

Project 92-D-150, operations support facilities, Savannah River, South Carolina, \$2,000,000.

Project 92-D-153, engineering support facility, Savannah River, South Carolina, \$3,200,000.

(6) For program direction, \$56,000,000.

(b) Other Defense Programs.-Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for other defense programs in carrying out defense programs necessary for national security programs in the amount of \$669,657,000, to be allocated as follows:

- (1) For verification and control technology, \$348,555,000, to be allocated as follows:
  - (A) For operating expenses, \$332,682,000.
  - (B) For capital equipment, \$15,873,000.
- (2) For nuclear safeguards and security, \$85,816,000, to be allocated as follows:
  - (A) For operating expenses, \$82,421,000.
  - (B) For capital equipment, \$3,395,000.
- (3) For security investigations, \$33,827,000.
- (4) For security evaluations, \$14,780,000.
- (5) For the Office of Nuclear Safety, \$21,679,000, to be allocated as follows:
  - (A) For operating expenses, \$21,629,000.
  - (B) For capital equipment, \$50,000.
- (6) For worker and community transition, \$115,000,000.
- (7) For fissile material control and disposition, \$50,000,000.

(c) Naval Reactors.-Subject to subsection (d), funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for naval reactors in carrying out nuclear materials support and other defense programs necessary for national security programs in the amount of \$725,651,000, to be allocated as follows:

- (1) For naval reactors development, \$693,651,000, to be allocated as follows:
  - (A) For operating expenses:
    - (i) For plant development, \$146,700,000.
    - (ii) For reactor development, \$348,951,000.
    - (iii) For reactor operation and evaluation, \$131,000,000.
    - (iv) For program direction, \$18,800,000.
  - (B) For capital equipment, \$28,200,000.

(C) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), \$20,000,000, to be allocated as follows:

Project GPN-101, general plant projects, various locations, \$6,200,000.

Project 95-D-200, laboratory systems and hot cell upgrades, various locations, \$2,400,000.

Project 95-D-201, advanced test reactor radioactive waste system upgrades, Idaho National Engineering Laboratory, Idaho, \$700,000.

Project 93-D-200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, \$7,900,000.

Project 92-D-200, laboratories facilities upgrades, various locations, \$2,800,000.

- (2) For operating expenses for enrichment materials, \$32,000,000.

(d) Adjustments.-The total amount that may be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a), (b), and (c) reduced by the sum of-

- (1) \$40,000,000, for recovery of overpayment to the Savannah River Pension Fund;
- (2) \$6,500,000, for savings resulting from procurement reform; and
- (3) \$401,406,000, for use of prior year balances for materials support and other defense programs.

SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1995 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of \$129,430,000.

#### SUBTITLE B-RECURRING GENERAL PROVISIONS

##### SEC. 3121. REPROGRAMMING.

(a) In General.-Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and 30 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program-

(1) in amounts that exceed, in a fiscal year-

(A) 110 percent of the amount authorized for that program by this title; or

(B) \$1,000,000 more than the amount authorized for that program by this title; or

(2) which has not been presented to, or requested of, Congress.

(b) Report.-(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.

(2) In the computation of the 30-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(c) Limitations.-(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.

##### SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) In General.-The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed \$2,000,000.

(b) Report to Congress.-If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds \$2,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

##### SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) In General.-(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of-

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.

(2) An action described in paragraph (1) may be taken if-

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the action and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.

(b) Exception.-Subsection (a) shall not apply to any construction project which has a current estimated cost of less than \$5,000,000.

#### SEC. 3124. TRANSFER AUTHORITY.

(a) Transfer to Other Federal Agencies.-The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same time period as the authorizations of the Federal agency to which the amounts are transferred.

(b) Transfer Within Department of Energy; Limitations.- (1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same time period as the authorization to which the amounts are transferred.

(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.

(3) The authority provided by this section to transfer authorizations-

(A) may only be used to provide funds for items that have a higher priority than the items from which the funds are transferred; and

(B) may not be used to provide authority for an item that has been denied funds by Congress.

(c) Notice to Congress.-The Secretary of Energy shall promptly notify the Committees on Armed Services of the Senate and House of Representatives of any transfer of funds to or from authorizations under this title.

#### SEC. 3125. CONSTRUCTION DESIGN AND CONCEPTUAL DESIGN FOR CONSTRUCTION PROJECTS.

(a) In General.- (1) Within the amounts authorized by this title, the Secretary of Energy may carry out advance planning and construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed \$3,000,000.

(2) In the case of any project in which the total estimated cost for advance planning and construction design exceeds \$600,000, the Secretary shall notify the congressional defense committees in writing of the details of such project at least 30 days before any funds are obligated for advance planning and construction design for such project.

(b) Specific Authority Required.-In any case in which the total estimated cost for advance planning and construction design in connection with any proposed construction project exceeds \$3,000,000, funds for such planning and design must be specifically authorized by law.

(c) Requirement of Conceptual Design.-(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.

(2) In any case in which the total estimated cost of completing a conceptual design for a construction project exceeds \$3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before the Secretary submits a request for funds for the construction project.

(3) The requirement in paragraph (1) does not apply to a request for funds-

(A) for a construction project the total estimated cost of which is less than \$2,000,000;

or

(B) for emergency planning, design, and construction activities under section 3126.

#### SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) Authority.-The Secretary of Energy may use any funds available to the Department of Energy under sections 3101, 3102, and 3103, including those funds authorized to be appropriated for advance planning and construction design, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, meet the needs of national defense, or protect property.

(b) Limitation.-The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) Specific Authority.-The requirements of subsections (b) and (c) of section 3125 do not apply to emergency planning, design, and construction activities conducted under this section.

#### SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title that are made available for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

#### SEC. 3128. AVAILABILITY OF FUNDS.

When so specified in an appropriation Act, amounts appropriated for operating expenses, plant projects, and capital equipment may remain available until expended.

#### SUBTITLE C-PROGRAM AUTHORIZATIONS, RESTRICTIONS, AND LIMITATIONS

#### SEC. 3131. STOCKPILE STEWARDSHIP RECRUITMENT AND TRAINING PROGRAM.

(a) Conduct of Program.-(1) As part of the stockpile stewardship program established pursuant to section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (Public

Law 103-160; 107 Stat. 1946; 42 U.S.C. 2121 note), the Secretary of Energy shall conduct a stockpile stewardship recruitment and training program at the Sandia National Laboratories, the Lawrence Livermore National Laboratory, and the Los Alamos National Laboratory.

(2) The recruitment and training program shall be conducted in coordination with the Chairman of the Joint Nuclear Weapons Council established by section 179 of title 10, United States Code, and the directors of the laboratories referred to in paragraph (1).

(b) Support of Dual-Use Programs.-(1) As part of the recruitment and training program, the directors of the laboratories referred to in subsection (a)(1) may employ undergraduate students, graduate students, and postdoctoral fellows to carry out research sponsored by such laboratories for military or nonmilitary dual-use programs related to nuclear weapons stockpile stewardship.

(2) Of the amounts authorized to be appropriated to the Secretary of Energy in section 3101(a)(1) for weapons activities for core research and development and allocated by the Secretary for education initiatives, \$5,000,000 shall be available for employing students and fellows to carry out research referred to in paragraph (1). The amount available under this paragraph shall be allocated equally among the laboratories referred to in subsection (a)(1).

(c) Establishment of Retiree Corps.-As part of the training and recruitment program, the Secretary, in coordination with the directors of the laboratories referred to in subsection (a)(1), shall establish for the laboratories a retiree corps of retired scientists who have expertise in research and development of nuclear weapons. The directors may employ the retired scientists on a part-time basis to provide appropriate assistance on nuclear weapons issues, to contribute relevant information to be archived, and to help to provide training to other scientists.

(d) Report.-(1) Not later than February 1, 1995, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the demographic trends of the personnel of the laboratories referred to in subsection (a)(1) and on actions taken by the Department of Energy to remedy identified deficiencies in various skill areas.

(2) The report shall be prepared in coordination with the Chairman of the Joint Nuclear Weapons Council and the directors of the laboratories. Information included in the report shall be aggregated and compiled into statistical categories.

(3) The report shall include the following:

(A) An inventory of the weapons-related tasks that the laboratories need to perform to support their nuclear weapons responsibilities.

(B) An inventory of the skills necessary to complete the weapons-related tasks referred to in subparagraph (A).

(C) For each laboratory, the number of scientists needed in each skill area to perform such tasks.

(D) The number of the scientists providing services in each skill area at each laboratory, stated by age.

(E) An assessment of which skill areas are understaffed.

(F) The number of scientists entering the weapons program at each laboratory, and their skill areas.

(G) The number of full-time equivalent personnel with weapon skills, their distribution by skill and, for each such skill, their distribution by age.

(H) The number of scientists retiring from the weapons program in the five-year period ending on the date of the report and the skill areas in which they worked in the year preceding their retirement.

(I) Based on the information contained in subparagraphs (A) through (H), a projection of the skills areas that will become understaffed in the five years following the date of the report.

(J) A statement of alternative actions that may be taken to retain and recruit scientists for the weapons programs at the laboratories in order to preserve a sufficient skill base and to fulfill stockpile stewardship responsibilities.

(K) Any plans of the Secretary to take any of the alternative actions referred to in subparagraph (J).

#### SEC. 3132. DEFENSE INERTIAL CONFINEMENT FUSION PROGRAM.

Of the funds authorized to be appropriated by this title to the Department of Energy for fiscal year 1995, \$176,473,000 shall be available for the defense inertial confinement fusion program.

#### SEC. 3133. PAYMENT OF PENALTIES.

The Secretary of Energy may pay to the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986 (26 U.S.C. 9507), from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3102, stipulated civil penalties assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) in amounts as follows:

(1) \$50,000, assessed against the Fernald Environmental Management Project, Ohio, under such Act.

(2) \$50,000, assessed against the Portsmouth Gaseous Diffusion Plant, Ohio, under such Act.

#### SEC. 3134. WATER MANAGEMENT PROGRAMS.

From funds authorized to be appropriated pursuant to section 3102 to the Department of Energy for environmental restoration and waste management activities, the Secretary of Energy may reimburse the cities of Westminster, Broomfield, Thornton, and Northglenn, in the State of Colorado, \$11,415,000 for the cost of implementing water management programs. Reimbursements for the water management programs shall not be considered a major Federal action for purposes of section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

#### SEC. 3135. PROTECTION OF WORKERS AT NUCLEAR WEAPONS FACILITIES.

Of the funds authorized to be appropriated by section 3102 for environmental restoration and waste management activities, \$11,000,000 shall be available to carry out activities authorized under section 3131 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1571; 42 U.S.C. 7274d), relating to worker protection at nuclear weapons facilities.

#### SEC. 3136. LIMITATION ON USE OF PROGRAM DIRECTION FUNDS.

The Secretary of Energy may not obligate more than 20 percent of the funds appropriated pursuant to this title for fiscal year 1995 for operating expenses for program direction in carrying out environmental restoration and waste management activities necessary for national security programs until the Secretary submits to Congress the reports required to be submitted in 1995 under subsections (a) and (d) of section 3153 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1950; 42 U.S.C. 7274k).

#### SEC. 3137. NATIONAL SECURITY PROGRAMS.

Notwithstanding any other provision of law, not more than 80 percent of the funds appropriated to the Department of Energy for national security programs under this title may be obligated for such programs until the Secretary of Energy submits to the congressional defense committees the five-year budget plan with respect to fiscal year 1996 required under section 3144



of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1681; 42 U.S.C. 7271b).

**SEC. 3138. PROGRAMS FOR PERSONS WHO MAY HAVE BEEN EXPOSED TO RADIATION RELEASED FROM HANFORD NUCLEAR RESERVATION.**

(a) Funding.-(1) Of the funds authorized to be appropriated to the Department of Energy under section 3101 for fiscal year 1995, \$2,500,000 shall be available for activities relating to the Hanford Health Information Network established pursuant to the authority provided in section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1834).

(2) The Secretary of Energy may not obligate more than 50 percent of the amount made available under paragraph (1) for activities relating to the Hanford Health Information Network until the States of Washington, Oregon, and Idaho establish the uniform procedures required by section 3138(d)(3)(D) of such Act, as added by subsection (b).

(b) Prohibition on Disclosure of Exposure Information.-Section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1834) is amended by adding at the end the following new subsection:

"(d) Prohibition on Disclosure of Exposure Information.-(1) Except as provided in paragraph (2), a person may not disclose to the public the following:

"(A) Any information obtained through a program that identifies a person who may have been exposed to radiation released from the Hanford Nuclear Reservation.

"(B) Any information obtained through a program that identifies a person participating in any of the programs developed under this section.       "(C) The name, address, and telephone number of a person requesting information referred to in subsection (b)(1).

"(D) The name, address, and telephone number of a person who has been referred to a health care professional under subsection (b)(2).

"(E) The name, address, and telephone number of a person who has been registered and monitored pursuant to subsection (b)(3).

"(F) Information that identifies the person from whom information referred to in this paragraph was obtained under a program or any other third party involved with, or identified by, any such information so obtained.

"(G) Any other personal or medical information that identifies a person or party referred to in subparagraphs (A) through (F).

"(H) Such other information or categories of information as the chief officers of the health departments of the States of Washington, Oregon, and Idaho jointly designate as information covered by this subsection.

"(2) Information referred to in paragraph (1) may be disclosed to the public if the person identified by the information, or the legal representative of that person, has consented in writing to the disclosure.

"(3) The States of Washington, Oregon, and Idaho shall establish uniform procedures for carrying out this subsection, including procedures governing the following:

"(A) The disclosure of information under paragraph (2).

"(B) The use of the Hanford Health Information Network database.

"(C) The future disposition of the database.

"(D) Enforcement of the prohibition provided in paragraph (1) on the disclosure of information described in that paragraph."

**SEC. 3139. LIMITATION ON STUDY OR RELOCATION OF TRITIUM-RELATED ACTIVITIES AND OPERATIONS.**

None of the funds appropriated or otherwise made available to the Department of Energy for fiscal year 1995 pursuant to this title may be used to study or relocate tritium-related activities and operations from the Mound Plant, Ohio, to a facility other than a Department of Energy weapons production facility that has demonstrated tritium production and handling capabilities, as determined by independent consultants pursuant to a review of the June 1993 report of the Department entitled "Nonnuclear Reconfiguration Cost Effectiveness Report".

#### SEC. 3140. HAZARDOUS MATERIALS MANAGEMENT AND HAZARDOUS MATERIALS EMERGENCY RESPONSE TRAINING PROGRAM.

(a) Use of Funds.-Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1995 under section 3102(c), not more than \$6,000,000 shall be available for operating expenses to carry out a hazardous materials management and hazardous materials emergency response training program at Hanford Nuclear Reservation, Richland, Washington.

(b) Requirement of Conceptual Design.-None of the funds authorized to be appropriated under section 3102(c) for project 95-E-600 may be obligated or expended until the Secretary of Energy completes a conceptual design for the project.

#### SEC. 3141. INTERNATIONAL CENTER FOR APPLIED RESEARCH.

(a) Establishment.-(1) The Secretary of Energy shall establish an International Center for Applied Research at the Savannah River Site, South Carolina. The purpose of the Center is to promote the following activities:

(A) The application in the United States of hydrogen technology research derived from tritium production.

(B) The development of beneficial uses of nuclear materials.

(C) The research and development of innovative methods for the treatment and disposal of nuclear waste.

(D) The development of specifications for the decommissioning of nuclear facilities and the disposition of nuclear materials.

(E) The research and development of any technologies that the Secretary considers appropriate and that are likely to be commercialized.

(2) The Secretary shall enter into an arrangement to provide for the location of the Center at a suitable facility at, or adjacent to, the Savannah River Site.

(3) The Secretary shall, using competitive procedures, select a nonprofit entity or a group of nonprofit entities to operate the Center. The Center shall promote activities under paragraph (1) in a manner that accomplishes regional development through applied science and technology.

(b) Availability of Funds.-Of amounts authorized to be appropriated in section 3101(c), \$12,000,000 shall be available to establish the Center referred to in subsection (a).

#### SUBTITLE D-OTHER MATTERS

#### SEC. 3151. ACCOUNTING PROCEDURES FOR DEPARTMENT OF ENERGY FUNDS.

(a) In General.-The Secretary of Energy shall prescribe procedures to account for the use of funds for the performance of the programs and activities of the Department of Energy for which funds are appropriated pursuant to this title for national security programs of the Department of Energy. The procedures shall provide for such accounting for fiscal years beginning after fiscal year 1996.

(b) Covered Matters.-The Secretary shall prescribe procedures under subsection (a)-

(1) to account for the funds appropriated to the Department pursuant to this title for national security programs and activities of the Department that are not used for the purpose for which such funds were appropriated; and

(2) to provide an accounting for all encumbered funds, unencumbered funds, unobligated funds, costed funds, and uncosted obligations of the national security programs of the Department in that fiscal year.

#### SEC. 3152. APPROVAL FOR CERTAIN NUCLEAR WEAPONS ACTIVITIES.

(a) Approval by Joint Nuclear Weapons Council.-Subsection (d) of section 179 of title 10, United States Code, is amended-

(1) by redesignating paragraphs (8) and (9) as paragraphs (9) and (10), respectively; and

(2) by inserting after paragraph (7) the following new paragraph (8):

"(8) Coordinating and approving activities conducted by the Department of Energy for the study, development, production, and retirement of nuclear warheads, including concept definition studies, feasibility studies, engineering development, hardware component fabrication, warhead production, and warhead retirement."

(b) Report.-Such section is further amended by adding at the end the following new subsection:

"(e) Each fiscal year, at the same time the President submits the budget pursuant to section 1105 of title 31, the Chairman of the Council, through the Secretary of Energy, shall submit to the Committees on Armed Services and Appropriations of the Senate and House of Representatives a report, in classified form, on the following:

"(1) The effectiveness and efficiency of the Council, and of the deliberative and decisionmaking processes used by the Council, in carrying out the responsibilities described in subsection (d).

"(2) A description of all activities conducted by the Department of Energy during that fiscal year, or planned to be conducted by the Department of Energy during the next fiscal year, for the study, development, production, and retirement of nuclear warheads and that have been approved by the Council, including a description of-

"(A) the concept definition activities and feasibility studies conducted or planned to be conducted by the Department of Energy;

"(B) the schedule for completion of each such activity or study; and

"(C) the degree to which each such activity or study is consistent with United States policy for new nuclear warhead development or warhead modification and with established or projected military requirements."

(c) Technical Amendment.-Subsections (a)(3) and (b) of such section are amended by striking out "appointed" each place it appears and inserting in lieu thereof "designated".

#### SEC. 3153. STUDY OF FEASIBILITY OF CONDUCTING CERTAIN ACTIVITIES AT THE NEVADA TEST SITE, NEVADA.

Not later than April 1, 1995, the Secretary of Energy shall submit to Congress a report on the feasibility of conducting the following activities at the Nevada Test Site, Nevada:

(1) The demilitarization of large rocket motors, high energetic explosives, and conventional ordnance.

(2) Disarmament and demilitarization of conventional weapons and components.

(3) Experiments that assist in monitoring compliance with international agreements on the nonproliferation of nuclear weapons.

(4) Programs for the Department of Energy and the Department of Defense to develop simulator technologies for nuclear weapons design and effects, including advanced hydrodynamic simulators, fusion test facilities, and nuclear weapons effects simulators.

(5) The stockpile stewardship program established pursuant to section 3138 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1946; 42 U.S.C. 2121 note).

(6) Experiments related to the nonproliferation of nuclear weapons, including experiments with respect to disablement of such weapons, nuclear forensics, sensors, and verification and monitoring.

#### SEC. 3154. REPORT ON WASTE STREAMS GENERATED BY NUCLEAR WEAPONS PRODUCTION CYCLE.

(a) Report.-Not later than March 31, 1996, the Secretary of Energy shall submit to Congress a report that contains a description of all waste streams generated before 1992 during each step of the complete cycle of production and disposition of nuclear weapon components by the Department of Energy. The description for each such step shall be based on a unit of analysis that is appropriate for that step. The report shall include an estimate of the volume of waste generated per unit of analysis and an analysis of the characteristics of each waste stream.

(b) Definitions.-In this section:

(1) The term "waste stream" means waste materials the storage, treatment, or disposition of which is regulated under Federal law, except that such term does not include usable source materials, usable byproduct materials, and usable special nuclear materials.

(2) The terms "byproduct material", "source material", and "special nuclear material" have the meaning given such terms in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

#### SEC. 3155. COMMUNICATION OF RESTRICTED DATA AND FORMERLY RESTRICTED DATA.

(a) Communication of Data.-Section 144 of the Atomic Energy Act of 1954 (42 U.S.C. 2164) is amended-

(1) by redesignating subsection d. as subsection e.; and

(2) by inserting after subsection c. the following new subsection d.:

"d. (1) In addition to the cooperation authorized in subsections a., b., and c., the President may, upon making a determination described in paragraph (2), authorize the Department of Energy, with the assistance of the Department of Defense, to cooperate with another nation to communicate to that nation such Restricted Data, and the President may, upon making such determination, authorize the Department of Defense, with the assistance of the Department of Energy, to cooperate with another nation to communicate to that nation such data removed from the Restricted Data category under section 142, as is necessary for-

"(A) the support of a program for the control of and accounting for fissile material and other weapons material;

"(B) the support of the control of and accounting for atomic weapons;

"(C) the verification of a treaty; and

"(D) the establishment of international standards for the classification of data on atomic weapons, data on fissile material, and related data.

"(2) A determination referred to in paragraph (1) is a determination that the proposed cooperation and proposed communication referred to in that paragraph-

"(A) will promote the common defense and security interests of the United States and the nation concerned; and

"(B) will not constitute an unreasonable risk to such common defense and security interests.

"(3) Cooperation under this subsection shall be undertaken pursuant to an agreement for cooperation entered into in accordance with section 123."

(b) Applicability of Notice and Wait Provisions.-Section 123 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2153(d)), as amended by subsection (c), shall not apply to a proposed agreement for cooperation under section 144 d. of such Act, as inserted by subsection (a), until December 31, 1995.

(c) Conforming Amendments.-The Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended as follows:

(1) Section 123 is amended-

(A) by striking out "or 144 c." each place it appears and inserting in lieu thereof "144 c., or 144 d.";

(B) in subsection a., by striking out "or 144 b." and inserting in lieu thereof "144 b., or 144 d."; and

(C) in subsection b., by inserting "(except an agreement arranged pursuant to section 91 c., 144 b., 144 c., or 144 d.)" after "the President has submitted text of the proposed agreement for cooperation".

(2) Section 142 d. is amended by striking out "subsection 144 b." and inserting in lieu thereof "subsection b. or d. of section 144."

(3) Section 142 f. is repealed.

(4) Section 144 e., as redesignated by subsection (a)(1), is amended by striking out "or c." and inserting in lieu thereof "c., or d."

#### SEC. 3156. SCHOLARSHIP AND FELLOWSHIP PROGRAM FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) Use of Funds.-Of the funds authorized to be appropriated to the Department of Energy in section 3102 for fiscal year 1995 for environmental restoration and waste management, \$1,000,000 shall be available for the scholarship and fellowship program for environmental restoration and waste management carried out under section 3132 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1572; 42 U.S.C. 7274e).

(b) Designation as Marilyn Lloyd Scholarship and Fellowship Program.- (1) Section 3132(a) of such Act (42 U.S.C. 7274e(a)) is amended by adding at the end the following: "The scholarship and fellowship program shall be known as the 'Marilyn Lloyd Scholarship and Fellowship Program'."

(2) The amendment made by paragraph (1) shall take effect on January 3, 1995.

#### SEC. 3157. REPORT ON ECONOMIC REDEVELOPMENT AND CONVERSION ACTIVITIES RESULTING FROM RECONFIGURATION OF DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX.

(a) In General.-Not later than May 1, 1995, the Secretary of Energy shall submit to Congress information on economic redevelopment and conversion activities that, in the determination of the Secretary, may result from the reconfiguration of the Department of Energy nuclear weapons complex. The Secretary may submit the information in a report or submit the programmatic environmental impact statement referred to in section 3145(c) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1949) and include the information in that statement.

(b) Contents.-The information referred to in subsection (a) shall include the following:

(1) An analysis of the existing condition and capabilities of the facilities of the nuclear weapons complex.

(2) A description of the technologies and processes at such facilities that have the potential to be developed in collaboration with private industry, State, local, or tribal governments, institutions of higher education, or non-profit organizations.

(3) An estimate of the costs associated with economic redevelopment and conversion activities as a result of the reconfiguration of the nuclear weapons complex.

(4) A description of how the Secretary will coordinate with local interests regarding such activities.

#### SEC. 3158. OFFICE OF FISSILE MATERIALS DISPOSITION.

(a) Establishment.-Title II of the Department of Energy Organization Act (42 U.S.C. 7131 et seq.) is amended by adding at the end the following:

##### "OFFICE OF FISSILE MATERIALS DISPOSITION

"Sec. 212. (a) There shall be within the Department an Office of Fissile Materials Disposition.

"(b) The Secretary shall designate the head of the Office. The head of the Office shall report to the Under Secretary.

"(c) The head of the Office shall be responsible for all activities of the Department relating to the management, storage, and disposition of fissile materials from weapons and weapons systems that are excess to the national security needs of the United States."

(b) Conforming Amendment.-The table of contents in the first section of such Act is amended by inserting after the item relating to section 210 the following new items:

"Sec. 211. Office of Minority Economic Impact.

"Sec. 212. Office of Fissile Materials Disposition."

#### SEC. 3159. EXTENSION OF AUTHORITY TO LOAN PERSONNEL AND FACILITIES AT IDAHO NATIONAL ENGINEERING LABORATORY.

Section 1434 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2074), as amended by section 3136 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2641), is further amended-

(1) in the third sentence of subsection (a)(3), by striking out "fiscal years 1993 and 1994" and inserting in lieu thereof "fiscal years 1993, 1994, 1995, 1996, and 1997"; and

(2) in subsection (c), by striking out "September 30, 1994, with respect to the Idaho National Engineering Laboratory" and inserting in lieu thereof "September 30, 1997, with respect to the Idaho National Engineering Laboratory".

#### SEC. 3160. ELIMINATION OF REQUIREMENT FOR FIVE-YEAR PLAN FOR DEFENSE NUCLEAR FACILITIES.

(a) Elimination of Requirement.-Section 3135(a) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 105 Stat. 1575; 42 U.S.C. 7274g(a)) is amended-

(1) in paragraph (1)-

(A) by striking out "(A) defense nuclear facilities and (B) all other facilities owned or operated by the Department of Energy" in the first sentence and inserting in lieu thereof "all facilities owned or operated by the Department of Energy except defense nuclear facilities"; and

- (B) by inserting "such" in the third sentence after "restoration at all";
- (2) in paragraph (4), by striking out "The plan shall contain the following matters:" and inserting in lieu thereof "The plan shall include, with respect to the Department of Energy facilities required by paragraph (1) to be covered by the plan, the following matters:";
- (3) by striking out paragraph (6); and
- (4) by redesignating paragraph (7) as paragraph (6).

(b) Annual Waste Management Reports.-Section 3153(b)(1) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1950; 42 U.S.C. 7274k(b)(1)) is amended-

- (1) by inserting "including pollution prevention and" after "waste management,"; and
- (2) by striking out "and technology research and development related to such activities and projects".

(c) Contents of Environmental Restoration and Waste Management Reports.-Section 3153(c) of such Act (42 U.S.C. 7274k(c)) is amended-

- (1) by striking out "and" at the end of paragraph (1);
- (2) by striking out "and" at the end of paragraph (2)(D);
- (3) by striking out the period at the end of paragraph (2)(E) and inserting in lieu thereof "; and";
- (4) by adding at the end of paragraph (2) the following new subparagraph:  
"(F) a description of the personnel and facilities required to complete the activity or project; and"; and
- (5) by adding at the end the following new paragraph:  
"(3) contain a description of the research and development necessary to develop the technology to conduct the activities and projects covered by the report."

(d) Public Participation in Development of Information.-Section 3153 of such Act (42 U.S.C. 7274k) is further amended by adding at the end the following new subsection:

"(f) Public Participation in Development of Information.-(1) The Secretary of Energy shall consult with the Administrator of the Environmental Protection Agency, the Attorney General, Governors and Attorneys General of affected States, appropriate representatives of affected Indian tribes, and interested members of the public in the development of information necessary to complete the reports required by subsections (a), (b), and (d).

"(2) Consultation under paragraph (1) shall not interfere with the timely submission to Congress of the budget for a fiscal year.

"(3) The Secretary may award grants to, and enter into cooperative agreements with, affected States and affected Indian tribes to facilitate the participation of such entities in the development of information under this subsection. The Secretary may also take appropriate action to facilitate the participation of interested members of the public in such development under this subsection."

(e) Public Participation in Planning.-The Secretary of Energy shall consult with the Administrator of the Environmental Protection Agency, the Attorney General, Governors and Attorneys General of affected States, appropriate representatives of affected Indian tribes, and interested members of the public in any planning conducted by the Secretary for environmental restoration and waste management at Department of Energy defense nuclear facilities.

SEC. 3161. AUTHORITY FOR APPOINTMENT OF CERTAIN SCIENTIFIC, ENGINEERING, AND TECHNICAL PERSONNEL.

(a) Authority.-(1) Notwithstanding any provision of title 5, United States Code, governing appointments in the competitive service and General Schedule classification and pay rates, the Secretary of Energy may-

(A) establish and set the rates of pay for not more than 200 positions in the Department of Energy for scientific, engineering, and technical personnel whose duties will relate to safety at defense nuclear facilities of the Department; and

(B) appoint persons to such positions.

(2) The rate of pay for a position established under paragraph (1) may not exceed the rate of pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(3) To the maximum extent practicable, the Secretary shall appoint persons under paragraph (1)(B) to the positions established under paragraph (1)(A) in accordance with the merit system principles set forth in section 2301 of such title.

(4) The Secretary may not appoint more than 100 persons during fiscal year 1995 under the authority provided in this subsection.

(b) OPM Review.-(1) The Secretary shall enter into an agreement with the Director of the Office of Personnel Management under which agreement the Director shall periodically evaluate the use of the authority set forth in subsection (a)(1). The Secretary shall reimburse the Director for evaluations conducted by the Director pursuant to the agreement. Any such reimbursement shall be credited to the revolving fund referred to in section 1304(e) of title 5, United States Code.

(2) If the Director determines as a result of such evaluation that the Secretary of Energy is not appointing persons to positions under such authority in a manner consistent with the merit system principles set forth in section 2301 of title 5, United States Code, or is setting rates of pay at levels that are not appropriate for the qualifications and experience of the persons appointed and the duties of the positions involved, the Director shall notify the Secretary and Congress of that determination.

(3) Upon receipt of a notification under paragraph (2), the Secretary shall-

(A) take appropriate actions to appoint persons to positions under such authority in a manner consistent with such principles or to set rates of pay at levels that are appropriate for the qualifications and experience of the persons appointed and the duties of the positions involved; or

(B) cease appointment of persons under such authority.

(c) EPA Study.-(1) Upon the 50th appointment made by the Secretary pursuant to subsection (a)(1)(B), the Administrator of the Environmental Protection Agency, in consultation with the Secretary, shall conduct a study of the effects of the implementation of such subsection on the conduct of remedial actions at sites on the National Priorities List.

(2) The study shall assess whether serious problems have resulted at any site on the National Priorities List from appointments made pursuant to subsection (a)(1)(B) of persons whose employment, at the time of the appointment, involved remedial actions or other similar activities at the site.

(3) For purposes of this subsection, a serious problem includes any of the following occurrences:

(A) A significant delay or significant disruption of a schedule for completion of a remedial action at the site.

(B) A significant escalation of the personnel costs for the remedial action.

(C) A significant exacerbation of any shortage in the number of critical personnel at the site.



(4) The Administrator, in consultation with the Secretary, shall submit to Congress a report on the study conducted under paragraph (1). The report shall be submitted not later than 30 days after the date upon which the Secretary has made the 50th appointment pursuant to subsection (a)(1)(B). The Secretary may not make more than 50 such appointments until the submission of the report.

(5) If, as a result of the study conducted under paragraph (1), the Administrator, in consultation with the Secretary, determines that serious problems have resulted at any site on the National Priorities List from appointments made pursuant to subsection (a)(1)(B), the Administrator and the Secretary shall jointly submit to Congress, together with the report referred to in paragraph (4), a plan to ameliorate the effects of those serious problems. Under the plan, the Administrator and the Secretary shall provide for-

- (A) a reduction in the rate at which persons are appointed pursuant to such subsection;
- (B) the making of appointments pursuant to such subsection of persons other than persons whose employment, at the time of the appointment, involved remedial actions or other similar activities at sites on the National Priorities List; or
- (C) any other effective alternative to appointing persons described in subparagraph (B) that the Administrator and the Secretary consider appropriate.

(6) To carry out this section, the Secretary shall regularly provide to the Administrator the following information:

- (A) The relevant previous places of employment of each person appointed pursuant to subsection (a)(1)(B).
- (B) The site on the National Priorities List, if the employment of such person, at the time of the appointment of that person pursuant to such subsection, involved remedial actions or other similar activities at the site.

(d) Termination.-(1) The authority provided under subsection (a)(1) shall terminate on September 30, 1997.

(2) An employee may not be separated from employment with the Department of Energy or receive a reduction in pay by reason of the termination of authority under paragraph (1).

#### SEC. 3162. USE OF FUNDS FOR COMPUTER DECLASSIFICATION SYSTEM.

Of the funds authorized to be appropriated to the Department of Energy under section 3103, \$3,000,000 shall be available for a computer system for declassification purposes.

#### SEC. 3163. SAFETY OVERSIGHT AND ENFORCEMENT AT DEFENSE NUCLEAR FACILITIES.

(a) Safety at Defense Nuclear Facilities.-The Secretary of Energy shall take appropriate actions to ensure that-

- (1) officials of the Department of Energy who are responsible for independent oversight of matters relating to nuclear safety at defense nuclear facilities and enforcement of nuclear safety standards at such facilities maintain independence from officials who are engaged in, or who are advising persons who are engaged in, management of such facilities;
- (2) the independent, internal oversight functions carried out by the Department include activities relating to-
  - (A) the assessment of the safety of defense nuclear facilities;
  - (B) the assessment of the effectiveness of Department program offices in carrying out programs relating to the environment, safety, health, and security at defense nuclear facilities;
  - (C) the provision to the Secretary of oversight reports that-
    - (i) contain validated technical information; and

(ii) provide a clear analysis of the extent to which line programs governing defense nuclear facilities meet applicable goals for the environment, safety, health, and security at such facilities; and

(D) the development of clear performance standards to be used in assessing the adequacy of the programs referred to in subparagraph (C)(ii);

(3) the Department has a system for bringing issues relating to nuclear safety at defense nuclear facilities to the attention of the officials of the Department (including the Secretary of Energy) who have authority to resolve such issues in an adequate and timely manner; and

(4) an adequate number of qualified personnel of the Department are assigned to oversee matters relating to nuclear safety at defense nuclear facilities and enforce nuclear safety standards at such facilities.

(b) Report.-Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the following:

(1) The actions that the Secretary has taken or will take to fulfill the requirements set forth in paragraphs (1), (2), and (3) of subsection (a).

(2) The actions in addition to the actions described under paragraph (1) that the Secretary could take in order to fulfill such requirements.

(3) The respective roles with regard to nuclear safety at defense nuclear facilities of the following officials:

(A) The Associate Deputy Secretary of Energy for Field Management.

(B) The Assistant Secretary of Energy for Defense Programs.

(C) The Assistant Secretary of Energy for Environmental Restoration and Waste Management.

#### TITLE XXXII-DEFENSE NUCLEAR FACILITIES SAFETY BOARD

##### SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 1995, \$17,933,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

#### TITLE XXXIII-NATIONAL DEFENSE STOCKPILE

##### SEC. 3301. AUTHORIZED USES OF STOCKPILE FUNDS.

Subject to such limitations as may be provided in appropriations Acts, during fiscal year 1995, the National Defense Stockpile Manager may obligate up to \$54,200,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section.

##### SEC. 3302. ROTATION OF MATERIALS TO PREVENT TECHNOLOGICAL OBSOLESCENCE.

Section 6(a)(4) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e(a)(4)) is amended by inserting "or technological obsolescence" after "deterioration".

##### SEC. 3303. EXTENSION OF LIMITATION ON AUTHORITY TO DISPOSE OF CHROMIUM FERRO AND MANGANESE FERRO.

Section 3302(f) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2651), as amended by section 3303(b) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1961), is further amended by striking out "October 1, 1994" and inserting in lieu thereof "October 1, 1995".

#### SEC. 3304. LIMITATION ON AUTHORITY TO DISPOSE OF ZINC.

(a) Limitation on Disposal Authority.-The disposal of zinc from the National Defense Stockpile pursuant to any disposal authority provided by law may not commence before April 1, 1995.

(b) Condition on Disposal After Expiration of Limitation.-If any quantity of zinc is proposed for disposal from the National Defense Stockpile during fiscal year 1995 upon the expiration of the limitation prescribed under subsection (a), the President shall submit to Congress not later than February 15, 1995, a revised annual materials plan under section 11(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-2) that specifically describes the proposed disposals. The revised plan shall include the views of the Market Impact Committee regarding the market impact of the disposals, as required under section 10(c) of such Act (50 U.S.C. 98h-1(c)).

(c) Effect on Transfers of Zinc to Other Federal Agencies.-Nothing in this section shall limit the authority of the National Defense Stockpile Manager to transfer zinc in the National Defense Stockpile to the jurisdiction and control of another Federal agency for official Government use.

(d) National Defense Stockpile Defined.-The term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

#### SEC. 3305. LIMITATIONS ON DISPOSAL OF CHROMITE AND MANGANESE ORES.

(a) Preference for Domestic Upgrading.-In offering to enter into agreements pursuant to any provision of law for the disposal of chromite and manganese ores of metallurgical grade from the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c), the President shall give a right of first refusal on all such offers to domestic ferroalloy upgraders.

(b) Domestic Ferroalloy Upgrader Defined.-For purposes of this section, the term "domestic ferroalloy upgrader" means a company or other business entity that, as determined by the President-

(1) is engaged in operations to upgrade chromite or manganese ores of metallurgical grade or is capable of engaging in such operations; and

(2) conducts a significant level of its research, development, engineering, and upgrading operations in the United States.

(c) Application of Section.-The requirements specified in subsection (a) shall apply during fiscal year 1995.

#### SEC. 3306. REPORT ON DOMESTIC PRODUCTION OF HIGH PURITY ELECTROLYTIC CHROMIUM METAL.

(a) Agreement With National Academy of Sciences.-Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall enter into an agreement with the President of the National Academy of Sciences, under which the Academy will prepare a report regarding the production of high purity electrolytic chromium metal in the United States.

(b) Elements of Report.-In preparing the report under subsection (a), the National Academy of Sciences shall evaluate-

(1) the capability of industrial facilities in the United States to produce high purity electrolytic chromium metal;

(2) the need to maintain a domestic source for the production of high purity electrolytic chromium metal;

(3) the potential adverse effects on the United States economy and defense capabilities if domestic sources for the production of high purity electrolytic chromium metal are lost;

(4) the availability of high purity electrolytic chromium metal from sources outside the United States; and

(5) the capability and reliability of such foreign sources for the production of high purity electrolytic chromium metal.

(c) Submission of Report.-Not later than 120 days after the date on which the agreement is entered into under subsection (a), the National Academy of Sciences shall submit to the Secretary of Defense and Congress the report required under such agreement.

## TITLE XXXIV-CIVIL DEFENSE

### SUBTITLE A-AUTHORIZATION OF APPROPRIATIONS

#### SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated \$129,658,000 for fiscal year 1995 for the purpose of carrying out title VI of The Robert T. Stafford Disaster Relief and Emergency Assistance Act, as added by section 3411.

### SUBTITLE B-REENACTMENT OF FEDERAL CIVIL DEFENSE ACT OF 1950 IN THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT

#### SEC. 3411. RESTATEMENT OF FEDERAL CIVIL DEFENSE AUTHORITIES IN THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT.

(a) Restatement as New Title.-The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended-

(1) by redesignating title VI as title VII;

(2) by redesignating sections 601, 602, 603, and 604 as sections 701, 702, 703, and 704, respectively; and

(3) by inserting after title V the following new title VI:

### "TITLE VI-EMERGENCY PREPAREDNESS

#### "SEC. 601. DECLARATION OF POLICY.

"The purpose of this title is to provide a system of emergency preparedness for the protection of life and property in the United States from hazards and to vest responsibility for emergency preparedness jointly in the Federal Government and the States and their political subdivisions. The Congress recognizes that the organizational structure established jointly by the Federal Government and the States and their political subdivisions for emergency preparedness purposes can be effectively utilized to provide relief and assistance to people in areas of the United States struck by a hazard. The Federal Government shall provide necessary direction, coordination, and guidance, and shall provide necessary assistance, as authorized in this title so that a comprehensive emergency preparedness system exists for all hazards.

#### "SEC. 602. DEFINITIONS.

"(a) Definitions.-For purposes of this title only:

"(1) Hazard.-The term 'hazard' means an emergency or disaster resulting from-

"(A) a natural disaster; or

"(B) an accidental or man-caused event.

"(2) Natural disaster.-The term `natural disaster' means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, or other catastrophe in any part of the United States which causes, or which may cause, substantial damage or injury to civilian property or persons.

"(3) Emergency preparedness.-The term `emergency preparedness' means all those activities and measures designed or undertaken to prepare for or minimize the effects of a hazard upon the civilian population, to deal with the immediate emergency conditions which would be created by the hazard, and to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by the hazard. Such term includes the following:

"(A) Measures to be undertaken in preparation for anticipated hazards (including the establishment of appropriate organizations, operational plans, and supporting agreements, the recruitment and training of personnel, the conduct of research, the procurement and stockpiling of necessary materials and supplies, the provision of suitable warning systems, the construction or preparation of shelters, shelter areas, and control centers, and, when appropriate, the non-military evacuation of the civilian population).

"(B) Measures to be undertaken during a hazard (including the enforcement of passive defense regulations prescribed by duly established military or civil authorities, the evacuation of personnel to shelter areas, the control of traffic and panic, and the control and use of lighting and civil communications).

"(C) Measures to be undertaken following a hazard (including activities for fire fighting, rescue, emergency medical, health and sanitation services, monitoring for specific dangers of special weapons, unexploded bomb reconnaissance, essential debris clearance, emergency welfare measures, and immediately essential emergency repair or restoration of damaged vital facilities).

"(4) Organizational equipment.-The term `organizational equipment' means equipment determined by the Director to be necessary to an emergency preparedness organization, as distinguished from personal equipment, and of such a type or nature as to require it to be financed in whole or in part by the Federal Government. Such term does not include those items which the local community normally uses in combating local disasters, except when required in unusual quantities dictated by the requirements of the emergency preparedness plans.

"(5) Materials.-The term `materials' includes raw materials, supplies, medicines, equipment, component parts and technical information and processes necessary for emergency preparedness.

"(6) Facilities.-The term `facilities', except as otherwise provided in this title, includes buildings, shelters, utilities, and land.

"(7) Director.-The term `Director' means the Director of the Federal Emergency Management Agency.

"(8) Neighboring countries.-The term `neighboring countries' includes Canada and Mexico.

"(9) United states and states.-The terms `United States' and `States' includes the several States, the District of Columbia, and territories and possessions of the United States.

"(10) State.-The term `State' includes interstate emergency preparedness authorities established under section 611(h).

"(b) Cross Reference.-The terms `national defense' and `defense,' as used in the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), includes emergency preparedness activities conducted pursuant to this title.

#### "SEC. 603. ADMINISTRATION OF TITLE.

"This title shall be carried out by the Director of the Federal Emergency Management Agency.

## "SUBTITLE A-POWERS AND DUTIES

### "SEC. 611. DETAILED FUNCTIONS OF ADMINISTRATION.

"(a) In General.-In order to carry out the policy described in section 601, the Director shall have the authorities provided in this section.

"(b) Federal Emergency Response Plans and Programs.-The Director may prepare Federal response plans and programs for the emergency preparedness of the United States and sponsor and direct such plans and programs. To prepare such plans and programs and coordinate such plans and programs with State efforts, the Director may request such reports on State plans and operations for emergency preparedness as may be necessary to keep the President, Congress, and the States advised of the status of emergency preparedness in the United States.

"(c) Delegation of Emergency Preparedness Responsibilities.-With the approval of the President, the Director may delegate to other departments and agencies of the Federal Government appropriate emergency preparedness responsibilities and review and coordinate the emergency preparedness activities of the departments and agencies with each other and with the activities of the States and neighboring countries.

"(d) Communications and Warnings.-The Director may make appropriate provision for necessary emergency preparedness communications and for dissemination of warnings to the civilian population of a hazard.

"(e) Emergency Preparedness Measures.-The Director may study and develop emergency preparedness measures designed to afford adequate protection of life and property, including

"(1) research and studies as to the best methods of treating the effects of hazards;

"(2) developing shelter designs and materials for protective covering or construction;

and

"(3) developing equipment or facilities and effecting the standardization thereof to meet emergency preparedness requirements.

"(f) Training Programs.- (1) The Director may-

"(A) conduct or arrange, by contract or otherwise, for training programs for the instruction of emergency preparedness officials and other persons in the organization, operation, and techniques of emergency preparedness;

"(B) conduct or operate schools or including the payment of travel expenses, in accordance with subchapter I of chapter 57 of title 5, United States Code, and the Standardized Government Travel Regulations, and per diem allowances, in lieu of subsistence for trainees in attendance or the furnishing of subsistence and quarters for trainees and instructors on terms prescribed by the Director; and

"(C) provide instructors and training aids as necessary.

"(2) The terms prescribed by the Director for the payment of travel expenses and per diem allowances authorized by this subsection shall include a provision that such payment shall not exceed one-half of the total cost of such expenses.

"(3) The Director may lease real property required for the purpose of carrying out this subsection, but may not acquire fee title to property unless specifically authorized by law.

"(g) Public Dissemination of Emergency Preparedness Information.-The Director may publicly disseminate appropriate emergency preparedness information by all appropriate means.

"(h) Interstate emergency preparedness compacts.- (1) The Director may-

"(A) assist and encourage the States to negotiate and enter into interstate emergency preparedness compacts;

"(B) review the terms and conditions of such proposed compacts in order to assist, to the extent feasible, in obtaining uniformity between such compacts and consistency with Federal emergency response plans and programs;

"(C) assist and coordinate the activities under such compacts; and

"(D) aid and assist in encouraging reciprocal emergency preparedness legislation by the States which will permit the furnishing of mutual aid for emergency preparedness purposes in the event of a hazard which cannot be adequately met or controlled by a State or political subdivision thereof threatened with or experiencing a hazard.

"(2) A copy of each interstate emergency preparedness compact shall be transmitted promptly to the Senate and the House of Representatives. The consent of Congress is deemed to be granted to each such compact upon the expiration of the 60-day period beginning on the date on which the compact is transmitted to Congress.

"(3) Nothing in this subsection shall be construed as preventing Congress from disapproving, or withdrawing at any time its consent to, any interstate emergency preparedness compact.

"(i) Materials and Facilities.-(1) The Director may procure by condemnation or otherwise, construct, lease, transport, store, maintain, renovate or distribute materials and facilities for emergency preparedness, with the right to take immediate possession thereof.

"(2) Facilities acquired by purchase, donation, or other means of transfer may be occupied, used, and improved for the purposes of this title before the approval of title by the Attorney General as required by section 355 of the Revised Statutes (40 U.S.C. 255).

"(3) The Director shall submit to Congress a report, at least quarterly, describing all property acquisitions made pursuant to this subsection.

"(4) The Director may lease real property required for the purpose of carrying out the provisions of this subsection, but shall not acquire fee title to property unless specifically authorized by law.

"(5) The Director may procure and maintain under this subsection radiological, chemical, bacteriological, and biological agent monitoring and decontamination devices and distribute such devices by loan or grant to the States for emergency preparedness purposes, under such terms and conditions as the Director shall prescribe.

"(j) Financial Contributions.-(1) The Director may make financial contributions, on the basis of programs or projects approved by the Director, to the States for emergency preparedness purposes, including the procurement, construction, leasing, or renovating of materials and facilities. Such contributions shall be made on such terms or conditions as the Director shall prescribe, including the method of purchase, the quantity, quality, or specifications of the materials or facilities, and such other factors or care or treatment to assure the uniformity, availability, and good condition of such materials or facilities.

"(2) No contribution may be made under this subsection for the procurement of land or for the purchase of personal equipment for State or local emergency preparedness workers.

"(3) The amounts authorized to be contributed by the Director to each State for organizational equipment shall be equally matched by such State from any source it determines is consistent with its laws.

"(4) Financial contributions to the States for shelters and other protective facilities shall be determined by taking the amount of funds appropriated or available to the Director for such facilities in each fiscal year and apportioning such funds among the States in the ratio which the urban

population of the critical target areas (as determined by the Director) in each State, at the time of the determination, bears to the total urban population of the critical target areas of all of the States.

"(5) The amounts authorized to be contributed by the Director to each State for such shelters and protective facilities shall be equally matched by such State from any source it determines is consistent with its laws and, if not matched within a reasonable time, the Director may reallocate such amounts to other States under the formula described in paragraph (4). The value of any land contributed by any State or political subdivision thereof shall be excluded from the computation of the State share under this subsection.

"(6) The amounts paid to any State under this subsection shall be expended solely in carrying out the purposes set forth herein and in accordance with State emergency preparedness programs or projects approved by the Director. The Director shall make no contribution toward the cost of any program or project for the procurement, construction, or leasing of any facility which (A) is intended for use, in whole or in part, for any purpose other than emergency preparedness, and (B) is of such kind that upon completion it will, in the judgment of the Director, be capable of producing sufficient revenue to provide reasonable assurance of the retirement or repayment of such cost; except that (subject to the preceding provisions of this subsection) the Director may make a contribution to any State toward that portion of the cost of the construction, reconstruction, or enlargement of any facility which the Director determines to be directly attributable to the incorporation in such facility of any feature of construction or design not necessary for the principal intended purpose thereof but which is, in the judgment of the Director necessary for the use of such facility for emergency preparedness purposes.

"(7) The Director shall submit to Congress a report, at least annually, regarding all contributions made pursuant to this subsection.

"(8) All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of any contribution of Federal funds made by the Director under this subsection shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (commonly known as the Davis-Bacon Act (40 U.S.C. 276a-276a-5)), and every such employee shall receive compensation at a rate not less than one and  $\frac{1}{2}$  times the basic rate of pay of the employee for all hours worked in any workweek in excess of eight hours in any workday or 40 hours in the workweek, as the case may be. The Director shall make no contribution of Federal funds without first obtaining adequate assurance that these labor standards will be maintained upon the construction work. The Secretary of Labor shall have, with respect to the labor standards specified in this subsection, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276(c)).

"(k) Sale or Disposal of Certain Materials and Facilities.-The Director may arrange for the sale or disposal of materials and facilities found by the Director to be unnecessary or unsuitable for emergency preparedness purposes in the same manner as provided for excess property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.). Any funds received as proceeds from the sale or other disposition of such materials and facilities shall be deposited into the Treasury as miscellaneous receipts.

#### "SEC. 612. MUTUAL AID PACTS BETWEEN STATES AND NEIGHBORING COUNTRIES.

"The Director shall give all practicable assistance to States in arranging, through the Department of State, mutual emergency preparedness aid between the States and neighboring countries.

#### "SEC. 613. CONTRIBUTIONS FOR PERSONNEL AND ADMINISTRATIVE EXPENSES.



"(a) General Authority.-To further assist in carrying out the purposes of this title, the Director may make financial contributions to the States (including interstate emergency preparedness authorities established pursuant to section 611(h)) for necessary and essential State and local emergency preparedness personnel and administrative expenses, on the basis of approved plans (which shall be consistent with the Federal emergency response plans for emergency preparedness) for the emergency preparedness of the States. The financial contributions to the States under this section may not exceed one-half of the total cost of such necessary and essential State and local emergency preparedness personnel and administrative expenses.

"(b) Plan Requirements.-A plan submitted under this section shall-

"(1) provide, pursuant to State law, that the plan shall be in effect in all political subdivisions of the State and be mandatory on them and be administered or supervised by a single State agency;

"(2) provide that the State shall share the financial assistance with that provided by the Federal Government under this section from any source determined by it to be consistent with State law;

"(3) provide for the development of State and local emergency preparedness operational plans, pursuant to standards approved by the Director;

"(4) provide for the employment of a full-time emergency preparedness director, or deputy director, by the State;

"(5) provide that the State shall make such reports in such form and content as the Director may require; and

"(6) make available to duly authorized representatives of the Director and the Comptroller General, books, records, and papers necessary to conduct audits for the purposes of this section.

"(c) Terms and Conditions.-The Director shall establish such other terms and conditions as the Director considers necessary and proper to carry out this section.

"(d) Application of Other Provisions.-In carrying out this section, the provisions of section 611(h) and 621(h) shall apply.

"(e) Allocation of Funds.-For each fiscal year concerned, the Director shall allocate to each State, in accordance with regulations and the total sum appropriated under this title, amounts to be made available to the States for the purposes of this section. Regulations governing allocations to the States under this subsection shall give due regard to (1) the criticality of the areas which may be affected by hazards with respect to the development of the total emergency preparedness readiness of the United States, (2) the relative state of development of emergency preparedness readiness of the State, (3) population, and (4) such other factors as the Director shall prescribe. The Director may reallocate the excess of any allocation not used by a State in a plan submitted under this section. Amounts paid to any State or political subdivision under this section shall be expended solely for the purposes set forth in this section.

"(f) Submission of Plan.-If a State fails to submit a plan for approval as required by this section within 60 days after the Director notifies the States of the allocations under this section, the Director may reallocate such funds, or portions thereof, among the other States in such amounts as, in the judgment of the Director, will best assure the adequate development of the emergency preparedness capability of the United States.

"(g) Annual Reports.-The Director shall report annually to the Congress all contributions made pursuant to this section.

"SEC. 614. REQUIREMENT FOR STATE MATCHING FUNDS FOR CONSTRUCTION OF EMERGENCY OPERATING CENTERS.

"Notwithstanding any other provision of this title, funds appropriated to carry out this title may not be used for the purpose of constructing emergency operating centers (or similar facilities) in any State unless such State matches in an equal amount the amount made available to such State under this title for such purpose.

"SEC. 615. USE OF FUNDS TO PREPARE FOR AND RESPOND TO HAZARDS.

"Funds made available to the States under this title may be used by the States for the purposes of preparing for hazards and providing emergency assistance in response to hazards. Regulations prescribed to carry out this section shall authorize the use of emergency preparedness personnel, materials, and facilities supported in whole or in part through contributions under this title for emergency preparedness activities and measures related to hazards.

"SUBTITLE B-GENERAL PROVISIONS

"SEC. 621. ADMINISTRATIVE AUTHORITY.

"(a) In General.-For the purpose of carrying out the powers and duties assigned to the Director under this title, the Director may exercise the administrative authorities provided under this section.

"(b) Advisory Personnel.- (1) The Director may employ not more than 100 part-time or temporary advisory personnel (including not to exceed 25 subjects of the United Kingdom or citizens of Canada) as the Director considers to be necessary in carrying out the provisions of this title.

"(2) Persons holding other offices or positions under the United States for which they receive compensation, while serving as advisory personnel, shall receive no additional compensation for such service. Other part-time or temporary advisory personnel so employed may serve without compensation or may receive compensation at a rate not to exceed \$180 for each day of service, plus authorized subsistence and travel, as determined by the Director.

"(c) Services of Other Agency Personnel and Volunteers.-The Director may-

"(1) use the services of Federal agencies and, with the consent of any State or local government, accept and use the services of State and local agencies;

"(2) establish and use such regional and other offices as may be necessary; and

"(3) use such voluntary and uncompensated services by individuals or organizations as may from time to time be needed.

"(d) Gifts.-Notwithstanding any other provision of law, the Director may accept gifts of supplies, equipment, and facilities and may use or distribute such gifts for emergency preparedness purposes in accordance with the provisions of this title.

"(e) Reimbursement.-The Director may reimburse any Federal agency for any of its expenditures or for compensation of its personnel and use or consumption of its materials and facilities under this title to the extent funds are available.

"(f) Printing.-The Director may purchase such printing, binding, and blank-book work from public, commercial, or private printing establishments or binderies as the Director considers necessary upon orders placed by the Public Printer or upon waivers issued in accordance with section 504 of title 44, United States Code.

"(g) Rules and Regulations.-The Director may prescribe such rules and regulations as may be necessary and proper to carry out any of the provisions of this title and perform any of the powers and duties provided by this title. The Director may perform any of the powers and duties provided by this title through or with the aid of such officials of the Federal Emergency Management Agency as the Director may designate..

"(h) Failure to Expend Contributions Correctly.-(1) When, after reasonable notice and opportunity for hearing to the State or other person involved, the Director finds that there is a failure to expend funds in accordance with the regulations, terms, and conditions established under this title for approved emergency preparedness plans, programs, or projects, the Director may notify such State or person that further payments will not be made to the State or person from appropriations under this title (or from funds otherwise available for the purposes of this title for any approved plan, program, or project with respect to which there is such failure to comply) until the Director is satisfied that there will no longer be any such failure.

"(2) Until so satisfied, the Director shall either withhold the payment of any financial contribution to such State or person or limit payments to those programs or projects with respect to which there is substantial compliance with the regulations, terms, and conditions governing plans, programs, or projects hereunder.

"(3) As used in this subsection, the term 'person' means the political subdivision of any State or combination or group thereof or any person, corporation, association, or other entity of any nature whatsoever, including instrumentalities of States and political subdivisions.

#### "SEC. 622. SECURITY REGULATIONS.

"(a) Establishment.-The Director shall establish such security requirements and safeguards, including restrictions with respect to access to information and property as the Director considers necessary.

"(b) Limitations on Employee Access to Information.-No employee of the Federal Emergency Management Agency shall be permitted to have access to information or property with respect to which access restrictions have been established under this section, until it shall have been determined that no information is contained in the files of the Federal Bureau of Investigation or any other investigative agency of the Government indicating that such employee is of questionable loyalty or reliability for security purposes, or if any such information is so disclosed, until the Federal Bureau of Investigation shall have conducted a full field investigation concerning such person and a report thereon shall have been evaluated in writing by the Director.

"(c) National Security Positions.-No employee of the Federal Emergency Management Agency shall occupy any position determined by the Director to be of critical importance from the standpoint of national security until a full field investigation concerning such employee shall have been conducted by the Director of the Office of Personnel Management and a report thereon shall have been evaluated in writing by the Director of the Federal Emergency Management Agency. In the event such full field investigation by the Director of the Office of Personnel Management develops any data reflecting that such applicant for a position of critical importance is of questionable loyalty or reliability for security purposes, or if the Director of the Federal Emergency Management Agency for any other reason considers it to be advisable, such investigation shall be discontinued and a report thereon shall be referred to the Director of the Federal Emergency Management Agency for evaluation in writing. Thereafter, the Director of the Federal Emergency Management Agency may refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation by such Bureau. The result of such latter investigation by such Bureau shall be furnished to the Director of the Federal Emergency Management Agency for action.

"(d) Employee Oaths.-Each Federal employee of the Federal Emergency Management Agency acting under the authority of this title, except the subjects of the United Kingdom and citizens

of Canada specified in section 621(b), shall execute the loyalty oath or appointment affidavits prescribed by the Director of the Office of Personnel Management. Each person other than a Federal employee who is appointed to serve in a State or local organization for emergency preparedness shall before entering upon duties, take an oath in writing before a person authorized to administer oaths, which oath shall be substantially as follows:

'I, XXXXX, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

'And I do further swear (or affirm) that I do not advocate, nor am I a member or an affiliate of any organization, group, or combination of persons that advocates the overthrow of the Government of the United States by force or violence; and that during such time as I am a member of XXXXX (name of emergency preparedness organization), I will not advocate nor become a member or an affiliate of any organization, group, or combination of persons that advocates the overthrow of the Government of the United States by force or violence.'

After appointment and qualification for office, the director of emergency preparedness of any State, and any subordinate emergency preparedness officer within such State designated by the director in writing, shall be qualified to administer any such oath within such State under such regulations as the director shall prescribe. Any person who shall be found guilty of having falsely taken such oath shall be punished as provided in section 1621 of title 18, United States Code.

#### "SEC. 623. USE OF EXISTING FACILITIES.

"In performing duties under this title, the Director-

"(1) shall cooperate with the various departments and agencies of the Federal Government;

"(2) shall use, to the maximum extent, the existing facilities and resources of the Federal Government and, with their consent, the facilities and resources of the States and political subdivisions thereof, and of other organizations and agencies; and

"(3) shall refrain from engaging in any form of activity which would duplicate or parallel activity of any other Federal department or agency unless the Director, with the written approval of the President, shall determine that such duplication is necessary to accomplish the purposes of this title.

#### "SEC. 624. ANNUAL REPORT TO CONGRESS.

"The Director shall annually submit a written report to the President and Congress covering expenditures, contributions, work, and accomplishments of the Federal Emergency Management Agency pursuant to this title, accompanied by such recommendations as the Director considers appropriate.

#### "SEC. 625. APPLICABILITY OF TITLE.

"The provisions of this title shall be applicable to the United States, its States, Territories and possessions, and the District of Columbia, and their political subdivisions.

#### "SEC. 626. AUTHORIZATION OF APPROPRIATIONS AND TRANSFERS OF FUNDS.

"(a) Authorization of Appropriations.-There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title.

"(b) Transfer Authority.-Funds made available for the purposes of this title may be allocated or transferred for any of the purposes of this title, with the approval of the Director of the Office of Management and the Budget, to any agency or government corporation designated to assist in carrying out this title. Each such allocation or transfer shall be reported in full detail to the Congress within 30 days after such allocation or transfer.

"SEC. 627. RELATION TO ATOMIC ENERGY ACT OF 1954.

"Nothing in this title shall be construed to alter or modify the provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).

"SEC. 628. FEDERAL BUREAU OF INVESTIGATION.

"Nothing in this title shall be construed to authorize investigations of espionage, sabotage, or subversive acts by any persons other than personnel of the Federal Bureau of Investigation."

(b) Conforming Amendment Regarding Definition of National Defense.-Section 702(13) of the Defense Production Act of 1950 (50 U.S.C. App. 2152(13)) is amended by added at the end the following new sentence: "Such term includes emergency preparedness activities conducted pursuant to title VI of The Robert T. Stafford Disaster Relief and Emergency Assistance Act."

SEC. 3412. REPEAL OF FEDERAL CIVIL DEFENSE ACT OF 1950.

(a) Repeal.-The Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.) is repealed.

(b) Conforming Amendments.- (1) Section 202(c) of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5132(c)) is amended by striking out "section 201(c) of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2281(c))," and inserting in lieu thereof "section 611(c) of this Act".

(2) The paragraph under the heading "civil defense procurement fund" in chapter XI of the Third Supplemental Appropriation Act, 1951 (50 U.S.C. App. 2264), is repealed.

(3) Section 813(d) of the Agricultural Act of 1970 (7 U.S.C. 1427a(d)) is amended by striking out "the provisions of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251-2297)." and inserting in lieu thereof "title VI of The Robert T. Stafford Disaster Relief and Emergency Assistance Act."

## TITLE XXXV-NAVAL PETROLEUM RESERVES

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated to the Secretary of Energy \$199,456,000 for fiscal year 1995 for the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves (as defined in section 7420(2) of such title). Funds appropriated pursuant to such authorization shall remain available until expended.

SEC. 3502. PRICE REQUIREMENT ON SALE OF CERTAIN PETROLEUM DURING FISCAL YEAR 1995.

Notwithstanding section 7430(b)(2) of title 10, United States Code, during fiscal year 1995, any sale of any part of the United States share of petroleum produced from Naval Petroleum Reserves Numbered 1, 2, and 3 shall be made at a price not less than 90 percent of the current sales price, as estimated by the Secretary of Energy, of comparable petroleum in the same area.

#### SEC. 3503. EXTENSION OF OPERATING CONTRACT FOR NAVAL PETROLEUM RESERVE NUMBERED 1.

Notwithstanding section 7432(b) of title 10, United States Code, the Secretary of Energy may extend the operating contract for Naval Petroleum Reserve Numbered 1, in effect on the date of the enactment of this Act, for an additional two years effective on the expiration date of the contract. However, the contract may obligate funds only to the extent that such funds are made available in appropriation Acts.

### TITLE XXXVI-PANAMA CANAL COMMISSION

#### SEC. 3601. SHORT TITLE.

This title may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 1995".

#### SEC. 3602. AUTHORIZATION OF EXPENDITURES.

(a) In General.-Subject to subsection (b), the Panama Canal Commission is authorized to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, and improvement of the Panama Canal for fiscal year 1995.

(b) Limitations.-For fiscal year 1995, the Panama Canal Commission may expend from funds in the Panama Canal Revolving Fund not more than \$50,030,000 for administrative expenses, of which not more than-

(1) \$11,000 may be used for official reception and representation expenses of the Supervisory Board of the Commission;

(2) \$5,000 may be used for official reception and representation expenses of the Secretary of the Commission; and

(3) \$30,000 may be used for official reception and representation expenses of the Administrator of the Commission.

(c) Replacement Vehicles.-Funds available to the Panama Canal Commission shall be available for the purchase of not to exceed 43 passenger motor vehicles (including large heavy-duty vehicles to be used to transport Commission personnel across the isthmus of Panama). A vehicle may be purchased with such funds only as necessary to replace another passenger motor vehicle of the Commission. The purchase price of each vehicle may not exceed \$19,500.

#### SEC. 3603. EXPENDITURES IN ACCORDANCE WITH OTHER LAWS.

Expenditures authorized under this title may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

#### SEC. 3604. COSTS OF EDUCATIONAL SERVICES OBTAINED IN THE UNITED STATES.

Section 1321(e)(2) of the Panama Canal Act of 1979 (22 U.S.C. 3731(e)(2)) is amended by inserting "or the United States" after "schools in the Republic of Panama".

SEC. 3605. SPECIAL IMMIGRANT STATUS OF PANAMANIAN EMPLOYED BY THE UNITED STATES IN THE FORMER CANAL ZONE.

Section 101(a)(27)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(F)) is amended in clause (ii) by inserting "or continues to be employed by the United States Government in an area of the former Canal Zone" after "employment".

And the House agree to the same.

From the Committee on Armed Services, for consideration of the entire Senate bill and the entire House amendment, and modifications committed to conference:

Ronald V. Dellums  
G.V. Montgomery  
Pat Schroeder  
Earl Hutto  
Ike Skelton  
Dave McCurdy  
Marilyn Lloyd  
Norman Sisisky  
John M. Spratt  
Solomon P. Ortiz  
H. Martin Lancaster  
Lane Evans  
James H. Bilbray  
John S. Tanner  
Glen Browder  
Martin T. Meehan  
Floyd Spence  
Duncan Hunter  
John R. Kasich  
Herbert H. Bateman  
Curt Weldon  
Jon Kyl  
Ronald K. Machtley  
Jim Saxton.

As additional conferees from the Committee on Education and Labor, for consideration of sections 337, 346-47, 643, 924, 1051, and 1082 of the Senate bill and sections 351-54, 1133, 1136, 1138, and 1151 of the House amendment, and modifications committed to conference:

William D. Ford  
William L. Clay  
Pat Williams  
William F. Goodling  
Steve Gunderson.

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 142, 324, 708, 2821(e)(3), 2849, 3151, 3155, 3157-58, 3160, and 3201 of the Senate bill and sections 1055, 3201, and 3502 of the House amendment, and modifications committed to conference:

John D. Dingell  
Phil Sharp  
Al Swift  
Carlos T. Moorhead  
Mike Bilirakis.

Provided, Mr. Waxman is appointed in lieu of Mr. Swift, and Mr. Bliley is appointed in lieu of Mr. Bilirakis solely for the consideration of section 708 of the Senate bill.

Henry A. Waxman  
Tom Bliley.

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 221-22, 225, 241, 251, 354, 823, 1012, 1013(b), 1014, 1015(a), 1016-18, 1021(a), 1021(b), 1022-23, 1024(c), 1031-32, 1041, 1065, 1070, 1074, 1078-79, 1088, 1092, and 1097 of the Senate bill and sections 1011(a), 1022-25, 1038, 1041, 1043, 1046-49, 1052, 1054, 1058-60, 1201-14, and 1401-04 of the House amendment, and modifications committed to conference:

Lee H. Hamilton,  
Sam Gejdenson,  
Tom Lantos,  
Bill Goodling.

As additional conferees from the Committee on Government Operations, for consideration of sections 824, 2812(c), 2827, and 3161 of the Senate bill and modifications committed to conference:

John Conyers, Jr.,  
E. Towns,  
Mike Synar,  
Bill Clinger.

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 357, 601, 654, 2206, 2825, 3134, and 3501-05 of the Senate bill and sections 522-23, 527, 601-02, 1137, and 3134 of the House amendment, and modifications committed to conference:

Gerry E. Studds,  
William J. Hughes,  
Billy Tauzin.

As additional conferees from the Committee on Natural Resources, for consideration of section 2853 of the House amendment and modifications committed to conference:

George Miller,  
Bruce F. Vento,  
Neil Abercrombie.

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 331-334, 346, 636, 901, 1080, 1087, 1090, and 3158 of the Senate bill and sections 165, 351, 375, 1031, and 2816 of the House amendment, and modifications committed to conference:

William Clay,  
Frank McCloskey,  
Eleanor H. Norton,  
John Myers,  
Constance A. Morella.

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 324, 1086, and 2827 of the Senate bill and section 3402 of the House amendment, and modifications committed to conference:

Norman Y. Mineta,  
Douglas Applegate,  
James A. Traficant, Jr.,  
Bud Shuster,  
Bill Clinger.



Provided that Mr. Duncan is appointed in lieu of Mr. Clinger solely for the consideration of section 2827 of the Senate bill.

John J. Duncan, Jr.

As additional conferees from the Committee on Science, Space, and Technology, for consideration of sections 232-249, and 3141 of the Senate bill and sections 211(a), 211(b), 216(a), 216(b), 216(c), 216(e), 217-18, 1112-15, and 3141 of the House amendment, and modifications committed to conference:

George E. Brown, Jr.  
Tim Valentine  
Bobby Scott,

As additional conferees from the Committee on Veterans' Affairs, for consideration of section 641 of the Senate bill and modifications committed to conference:

G.V. Montgomery  
Jim Slattery  
Douglas Applegate  
Bob Stump  
Mike Bilirakis  
Managers on the Part of the House.  
Sam Nunn  
Jim Exon  
Carl levin  
Ted Kennedy  
Jeff Bingaman  
John Glenn  
Richard Shelby  
Robert C. Byrd  
Bob Graham  
Chuck Robb  
Joseph I. Lieberman  
Richard H. Bryan  
Strom Thurmond  
John Warner  
William S. Cohen  
Trent Lott  
Dan Coats  
Bob Smith  
Lauch Faircloth  
Kay Bailey Hutchison  
Managers on the Part of the Senate.

#### JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2182) to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense programs of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences

between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

#### SUMMARY STATEMENT OF CONFERENCE ACTION

The conferees recommend authorizations for the Department of Defense for procurement, research and development, test and evaluation, operation and maintenance, working capital funds, military construction and family housing, weapons programs of the Department of Energy, and civil defense that have a budget authority implication of \$263.8 billion.

#### SUMMARY TABLE OF AUTHORIZATIONS

The defense authorization act provides authorizations for appropriations but does not generally provide budget authority. Budget authority is generally provided in appropriation acts.

In order to relate the conference recommendations to the Budget Resolution, matters in addition to the dollar authorizations contained in this bill must be taken into account. A number of programs in the defense function are authorized permanently or, in certain instances, authorized in other annual legislation. In addition, this authorization bill would establish personnel levels and include a number of legislative provisions affecting military compensation.

The following table summarizes authorizations included in the bill for fiscal year 1995 and, in addition, summarizes the implication of the conference action for the budget totals for national defense (budget function 050).

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#### General limitation

The Senate bill contained a provision (sec. 4) that would limit the total amounts authorized to be appropriated in this act to \$263.1 billion.

The House amendment contained no similar provision.

The Senate recedes.

#### Congressional defense committees

The term "congressional defense committees" is often used in this statement of the managers. It means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives.

### DIVISION A-DEPARTMENT OF DEFENSE AUTHORIZATIONS

#### TITLE I-PROCUREMENT

#### Overview

The budget request for fiscal year 1995 contained an authorization of \$43,584.2 million for procurement in the Department of Defense. The Senate bill would authorize \$43,797.0 million. The House amendment would authorize \$44,631.3 million. The conferees recommend authorization of \$43,527.9 million. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

#### Submission of congressionally directed reports

As defense resources have declined, congressional emphasis on carefully prioritizing defense programs has properly increased. As a consequence, relatively smaller programs have required more thorough review. In developing the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160), the conferees identified several Navy procurement and development programs in the statement of the managers (H. Rept. 103-357) that merited stronger

review within the Department. A partial list of these programs includes antisubmarine warfare (ASW) targets, torpedo support equipment, attack submarine (SSN) acoustics, domestic forging and manufacture of ship propellers, ship self-defense, towed array sonars, and the ship main propulsion gas turbine improvement program. The conferees highlighted these issues for a variety of reasons, including:

- (1) major changes in force structure that may not have been reflected in acquisition priorities;
- (2) uneven protection of the industrial base in critical areas; and
- (3) professed warfighting emphasis shifts to littoral operations that did not appear to reflect the post-Cold War defense environment.

The conferees believed that the Department failed to justify adequately many of these programs in the budget justification material and the budget review process. In a general effort to address these concerns prudently, the conferees avoided taking precipitous action and reducing budgeted resources in fiscal year 1994 for such programs.

Instead, the conferees directed the Department to prepare a number of reports. The conferees intended that these reports would provide the Navy an opportunity to specify, in detail, how the Navy was adapting these programs to accommodate a new strategic and budget reality. The conferees intended to review these reports during consideration of the fiscal year 1995 defense authorization request.

The conferees also reminded the Navy informally of a reporting requirement on combat logistic force plans. The report, which was originally required in July 1992 in the Senate report on S. 3114 (S. Rept. 102-352), was due in February 1993.

When the Armed Services Committees of the Senate and House of Representatives began their mark-ups of this act, the Navy had delivered none of the reports listed above. To date, the Navy has now submitted only three. Of the three, the conferees believe that only one, the report on SSN acoustics, is reasonably comprehensive and begins to address the concerns that triggered congressional interest in the first place. Even this report did not deal with a principal part of the report requirement-distinguishing between future upgrades appropriate for a littoral environment and those associated with traditional open ocean ASW. Nor did it clarify their cost implications, information that was explicitly requested in the bill.

The conferees: (1) lack some required reports; (2) have been unable to verify the resource allocation priorities made in the Navy budget; (3) have dealt with budget justification that did not clarify such anomalies as inordinate cost growth from prior years; and (4) have seen unenlightening Defense Department appeals that rely more on rhetoric and assertions than analysis. The consequences are relatively predictable. The conferees have reallocated resources from some of these programs to others with higher priority. The Navy, and the rest of the Defense Department, should not be surprised when the Department delivers reports that are deficient, late, or both, and Congress takes action that the Department would not prefer.

## AIRCRAFT PROCUREMENT, ARMY

### Overview

The budget request for fiscal year 1995 contained an authorization of \$1,041.6 million for Aircraft Procurement, Army. The Senate bill would authorize \$1,073.8 million. The House amendment would authorize \$1,301.5 million. The conferees recommend authorization of \$1,289.5 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

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## MISSILE PROCUREMENT, ARMY

### Overview

The budget request for fiscal year 1995 contained an authorization of \$594.0 million for Missile Procurement, Army. The Senate bill would authorize \$693.9 million. The House amendment would authorize \$685.1 million. The House amendment would authorize \$685.1 million. The conferees recommended authorization of \$818.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

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### TOW missile

The budget request contained \$27.8 million in procurement for the TOW antitank missile. These funds were requested for plant closure and production support.

The Senate bill directed the Army to use the requested funds to continue missile production.

The House amendment took no similar action.

The House recedes.

The conferees direct the Secretary of the Army to include in the report required by the Senate report (S. Rept. 103-282) a reevaluation of TOW inventory requirements in light of the age and condition of the current TOW inventory, Javelin fielding, force structure reductions, and retirement of most of the Cobra attack helicopters. In addition, the conferees direct the Secretary to evaluate all reasonable alternatives for the Tow missile, including a hypervelocity missile, keeping in minds that any TOW replacement should not require extensive modifications of TOW launchers on the Army's Bradley fighting vehicles.

## WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

### Overview

The budget request for fiscal year 1995 contained an authorization of \$919.8 million for Weapons and Tracked Combat Vehicles, Army. The Senate bill would authorize \$1,132.9 million. The House amendment would authorize \$942.9 million. The conferees recommend authorization of \$1,159.2 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

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### Bradley fighting vehicle system series modifications

The budget request included \$72.5 million for Bradley fighting vehicle system (BFVS) series modifications.

The Senate bill and the House amendment would authorize the requested amount.

The Senate bill would authorize \$7.6 million in another program element to procure one mechanized infantry battalion set of reactive armor tiles.

The conferees agree that this initiative should be funded in the Bradley modifications program element.

### M109A6 howitzer improvement program

The budget request included \$237.6 million for procurement of improved M109A6 howitzers.

The Senate bill would authorize the requested amount.

The House amendment would reduce the requested amount by \$78.1 million.

The conferees agree to authorize \$217.6 million, a reduction of \$20.0 million to the requested amount.

#### Joint Army/industry plan for tank engines

The Senate bill included funds to preserve the tank engine industrial base and directed that some tank engine overhaul work be transferred from the Anniston Army Depot (AAD) to the contractor-operated Stratford Army Engine Plant (SAEP).

The House amendment contained no similar funding.

The conferees agree with the Defense Science Board recommendation that a U.S. tank industrial base should be preserved. The conferees believe that the SAEP, which currently manufactures engines for the Abrams M1 tank, and the Anniston Army Depot, which currently overhauls tank engines, could benefit from the preservation of this industry. Accordingly, the conferees agree to authorize \$35.0 million for fiscal year 1995, of which:

(1) \$9.0 million is for systems technical and engineering support and engine durability upgrade efforts;

(2) \$6.0 million is for plant downsizing; and

(3) \$20.0 million is for an extended service program for Abrams tank engines.

In addition, the conferees authorize the requested amounts for tank spares and repair parts and for depot activities at AAD. Finally, the conferees direct the obligation of the remaining \$17.0 million authorized and appropriated in fiscal year 1994, and direct the Army to develop a depot/industry tank propulsion plan to be conducted jointly between AAD and SAEP that will preserve the tank engine base. The conferees direct the transfer of all outputs of the extended service program and its successor programs from the SAEP to AAD.

#### Tank gun mounts

The conferees note that the discussion in the Senate report (S. Rept. 103-282) concerning gun mounts is not necessarily the position of the conference.

#### V-903 diesel engines

The budget request and the Senate bill did not include funds for spares and repair parts for tracked combat vehicles.

The House amendment would authorize an additional \$10.2 million for 294 V-903 diesel engines.

The conferees are aware that the contractor claims it cannot produce V-903 diesel engines when the production rate falls below about 730 engines per year and, therefore, intends to discontinue production on May 19, 1995. The V-903 diesel engine is used in the Bradley fighting vehicle, multiple launch rocket system, M9 armored combat earthmover, new command and control vehicle, new electronic fighting vehicle, and Marine Corps AAVP7A1. The Army states that it requires a substantial number of additional engines, but has not decided whether to continue to fund engine procurement at the rates the contractor claims are necessary.

The conferees direct the Army to determine the additional number of V-903 engines it requires. The Army is further directed to consider alternatives to the V-903 engine, including the possibility of acquiring the technical data package, and report the results of these analyses to the congressional defense committees not later than March 1, 1995.

The conferees agree to authorize an additional \$5.1 million to continue procuring V-903 engines and direct the Army to reprogram additional funds in fiscal year 1995, and to request adequate funding in fiscal year 1996, if the Army decides to continue production at 730 engines a year.

## AMMUNITION ARMY

### Overview

The budget request for fiscal year 1995 contained an authorization of \$844.6 million for Ammunition Procurement, Army. The Senate bill would authorize \$878.1 million. The House amendment would authorize \$854.9 million. The conferees recommend authorization of \$902.8 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

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### Prior-year savings for procurement of ammunition-Army

The conferees agree to the following prior-year savings from fiscal year 1994 Army ammunition programs:

[DOLLARS IN MILLIONS]	
Item:	
35mm M968	-5.55
105mm M490A1 TP-T	-7.4
105mm M490AT TP-T tank	-10.0
105mm M724A1 DS-TP	-5.0
105mm M724A1 DS-TP tank	-10.0
Upgrade/improvement of AT-4	-5.0
CAD/PAD, all types	-1.36
Ammo components, all types	-2.13
Total	-46.44

### 120 millimeter tank ammunition

The House report (H. Rept. 103-499) directed the Secretary of the Army to maintain the 120 millimeter tank load operation at the Milan Army Ammunition Plant until the Secretary certifies to the congressional defense committees that it would be cost-effective to perform this function elsewhere.

The Senate report (S. Rept. 103-282) contained similar direction.

The conferees agree that fact-of-life changes have negated the need for the Senate and House direction.

## OTHER PROCUREMENT, ARMY

### Overview

The budget request for fiscal year 1995 contained an authorization of \$2,690.2 million for Other Procurement, Army. The Senate bill would authorize \$2,677.7 million. The House amendment would authorize \$2,651.2 million. The conferees recommend authorization of \$2,624.7 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

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### Medium tactical trucks

The budget request contained \$382.7 million to procure 3,535 medium trucks under the Army's family of medium tactical truck (FMTV) program.

The Senate bill would authorize the requested amount, but would prohibit obligation of 75 percent of the funds until the Under Secretary of Defense (Acquisition and Technology) reports to the congressional defense committees on a variety of issues.

The House amendment would reduce the requested amount by \$50.0 million.

The conferees agree to authorize \$364.6 million for this program, without limitations on the obligation of funds. The conferees understand that the Army is considering termination or another lengthy stretch-out of this program in fiscal year 1996, because of budget reductions and because the Army believes that trucks are a lower priority than weapons systems.

The conferees are concerned that the Army's position is short-sighted. Fast-moving projection forces are only as effective as their logistics system. Some of the Army's tactical trucks were built in the early 1950s, and Operation Desert Storm/Desert Shield revealed significant deficiencies. It is a fallacy that the Army could procure adequate trucks in a crisis from the commercial sector.

The Senate report (S. Rept. 103-282) argued that it makes little sense for the Army, Marine Corps, and the reserve components to pursue separate truck modernization programs-all of which are underfunded. The conferees believe this course makes even less sense if FMTV is stretched out further. The conferees endorse the analysis and reporting requirement described in the Senate report and establish a deadline for the report of March 15, 1995. The conferees urge the Secretary of Defense to carefully review the Army's proposed budget for the FMTV program.

#### AIRCRAFT PROCUREMENT, NAVY

##### Overview

The budget request for fiscal year 1995 contained an authorization of \$4,786.3 million for Aircraft Procurement, Navy. The Senate bill would authorize \$4,535.6 million. The House amended would authorize \$4,588.0 million. The conferees recommend authorization of \$4,491.8 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Offset Folios 3041 to 3042 Insert here \*\*\*TABLE GOES HERE\*\*\*

##### F/A-18 C/D aircraft

The budget request included \$1,032.4 million to buy 24 F/A-18 C/D aircraft in fiscal year 1995 and \$84.8 million for advance procurement of 24 aircrafts in fiscal year 1996.

The House amendment would approve the requested amount. The House report (H. Rept. 103-499) noted that the Navy is selecting an identification friend or foe (IFF) device. The report also noted that an IFF interrogator/transponder had already been developed for export versions of F/A-18 C/D aircraft. The report directed the Secretary of the Navy to incorporate a non-developmental IFF into the aircraft, beginning with lot 19.

The Senate bill would authorize 17 aircraft and a total of \$826.7 million for F/A-18 C/D production and advance procurement. The Senate report (S. Rept. 103-282) stated that 17 aircraft for the Department of the Navy, in addition to foreign sales, would be sufficient to maintain production. The report indicated that the Navy should plan to buy the more capable F/A-18 E/F in greater quantities when that version becomes available.

The conferees agree to provide \$934.0 million to buy 24 F/A-18 C/D aircraft in fiscal year 1995 and \$84.8 million for advance procurement of 24 aircraft in fiscal year 1996.

The conferees support the House initiative regarding procurement of a non-developmental IFF interrogator/transponder. However, the conferees note that there is more than one non-developmental interrogator/transponder available. Because savings derived from competition could be substantial, the conferees direct the Secretary of the Navy to ensure that the IFF requirement is satisfied through competitive procedures.

#### CH/MH-53E helicopters

The budget request included \$41.1 million for the CH-53 helicopter. The Navy had planned to buy four CH-53E helicopters in fiscal year 1995, but now plans to shift some of its MH-53E and CH-53E helicopters from airborne mine countermeasures (AMCM) and vertical on-board delivery (VOD) squadrons to the Marine Corps. These shifts persuaded the Navy that it could truncate procurement of the CH-53Es at the end of the fiscal year 1994 buy.

The Senate bill would provide an additional \$60.0 million for buying four CH-53 helicopters to support Marine Corps and Navy VOD lift requirements and preclude the need to reduce AMCM force structure.

The House amendment would authorize the requested amount.

The conferees agree to provide \$41.1 million. The conferees note that these funds were requested for production line shutdown costs on the CH-53 program. The conferees understand that the Marine Corps may desire to use these funds to purchase two additional helicopters rather than terminate the program. The conferees would not object to the use of these funds for this purpose.

#### EA-6B modifications

The budget request included \$38.4 million for EA-6B modifications. The Navy intended to use these funds for various structural and common configuration modifications, including the block 89A, wing center sections, pod hardback, and band 9/10 transmitter modifications.

The Senate bill would authorize the requested amount.

The House bill would not authorize any funds in fiscal year 1995 for EA-6B modifications.

The House and Senate reports (H. Rept. 103-499 and S. Rept. 103-282) directed the Secretary of the Navy to carry out a robust, lower cost alternative to the advanced capability (ADVCAP) upgrade program.

The Senate recedes. The conferees agree to authorize no funds for EA-6B modifications in fiscal year 1995.

The conferees direct the Secretary of the Navy to proceed with a lower cost alternative to the now-terminated advanced capability (DVCAP) upgrade program. Although the conferees are aware that the Navy is awaiting the results of a joint Navy/Air Force airborne electronic warfare (EW) study before commencing any alternative upgrade program for the EA-6B, the conferees are concerned that any delay in initiating these upgrades could foreclose the Navy's ability to capitalize on its prior ADVCAP investment. Furthermore, a failure to capture current technology through delaying the program could result in a requirement for a new aircraft that is unaffordable.

The conferees direct the Secretary of the Navy to immediately commence a modification program to address the structural and supportability problems associated with the EA-6B fleet. The conferees note the availability of the more than \$475.0 million authorized and appropriated in fiscal year 1993 and 1994 for the EA-6B1 ADVCAP program, and direct the Secretary of the Navy to use those funds to initiate the structural upgrade program.



The conferees further direct the Secretary to report the results of the joint EW study, together with his recommendations for a lower cost alternative to the ADVCAP upgrade, to the congressional defense committees by December 31, 1994. The conferees specifically prohibit any reprogramming of the remaining prior-year funds for other purposes until the costs of the structural and tactical jamming system upgrades are further committed.

#### P-3 series modifications

The budget request included \$104.3 million for P-3 series modifications.

The Senate bill would approve \$136.3 million for P-3 modifications, an increase of \$32.0 million from the requested level. Of this amount, the Senate report (S. Rept. 103-282) indicated that \$25.0 million would provide for component testing, the development of a logistics and training infrastructure, and the procurement of additional anti-surface warfare (ASUW) improvement program (AIP) systems. The remaining \$7.0 million would permit the Navy to complete procurement of new computers for the P-3C update III program, a separate action necessary for P-3 AIP.

The House amendment would approve the requested amount. The House report (H. Rept. 103-499) noted that, between 1991 and the end of fiscal year 1995, the maritime patrol aircraft (MPA) force structure will have been reduced from 37 squadrons to 22 squadrons. The House report expressed concern that the Navy may be reducing its MPA force structure too quickly. The House report directed the Secretary of the Navy to submit a report describing how the loss of operational capability that would result from a reduction in MPA force structure below 22 squadrons could be offset by other Navy or Department of Defense assets.

The conferees agree to approve the requested amount and reiterate the requirement that the Secretary of the Navy provide the report originally required by the House report.

#### Multipoint refueling modifications

The budget request contained \$25.8 million for making multipoint refueling modifications to KC-135 tanker aircraft.

The Senate bill would delete these funds, based on information that the Air Force had canceled the program.

The House amendment would authorize the requested amount for multipoint modifications.

The conferees are concerned by the slow progress in providing multipoint refueling capability for Air Force KC-135 tanker aircraft. The conferees recently learned of a relatively inexpensive French modification program carried out in the United States to provide multipoint refueling for French KC-135 tankers. Therefore, the conferees encourage the Secretary of Defense to establish an aerial refueling initiative to consider a commercial program for KC-135 multipoint refueling.

To ensure that interoperability and low cost solutions are considered, the initiative should be administered with the oversight of the Under Secretary of Defense for Acquisition and Technology, relying on advice and support from Air Force and Navy representatives.

Because multipoint refueling provides relatively more improvements for Navy aircraft, the conferees agree to provide the fiscal year 1995 funds to the Navy. The conferees recommend \$25.8 million for this initiative in the aircraft procurement, Navy account. The conferees understand that the initiative is included in the Future Years Defense Program and applaud the Secretary's interoperability initiatives.

## Overview

The budget request for fiscal year 1995 contained an authorization of \$2,400.0 million for Weapons Procurement, Navy. The Senate bill would authorize \$2,428.5 million. The House amendment would authorize \$2,223.2 million. The conferees recommend authorization of \$2,076.6 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Offset Folios 3049 to 3050 Insert here \*\*\*TABLE GOES HERE\*\*\*

## Tomahawk missile procurement

The budget request included \$302.0 million for the procurement of 217 Tomahawk missiles.

The Senate bill would approve the requested amount.

The House amendment would authorize the procurement of 217 missiles, but would reduce the requested amount by \$40.0 million.

The conferees agree to a reduction of \$11.9 million from the requested amount, consisting of:

(1) \$2.6 million for an unsubstantiated pricing adjustment associated with the fiscal year 1994 selection of a single prime contractor; and

(2) \$9.3 million for the capsule launch system (CLS) for submarines.

The conferees encourage the Navy to present its CLS projected inventory objective, and rationale for that inventory objective, with the fiscal year 1996 budget submission. The conferees intend to specifically exempt from this reduction funds budgeted for the Tomahawk precision strike initiative.

## SHIPBUILDING AND CONVERSION, NAVY

### Overview

The budget request for fiscal year 1995 contained an authorization of \$5,585.4 million for Shipbuilding and Conversion, Navy. The Senate bill would authorize \$5,532.0 million. The House amendment would authorize \$6,869.9 million. The conferees recommend authorization of \$5,619.9 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Offset Folio 3053 Insert here \*\*\*TABLE GOES HERE\*\*\*

## OTHER PROCUREMENT, NAVY

### Overview

The budget request for fiscal year 1995 contained an authorization of \$3,319.4 million for Other Procurement, Navy. The Senate bill would authorize \$3,310.2 million. The House amendment would authorize \$3,241.6 million. The conferees recommend authorization of \$3,287.5 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Offset Folios 3055 to 3062 Insert here \*\*\*TABLE GOES HERE\*\*\*

## Reactor components and nuclear alterations

The budget request included \$194.7 million for the Navy to procure reactor components and \$156.8 million to make alterations to nuclear power systems.

The Senate bill would approve the requested amounts.

The House amendment would reduce the reactor component request by \$14.7 million and would reduce the nuclear alterations request by \$36.8 million.

The conferees agree to provide the requested amounts. The conferees note that the budget justification materials for these two programs leave much to be desired. There is insufficient information to relate specific component procurement to specific ship upgrades. Neither can alteration expenses be related to installation schedules. The conferees find it unacceptable that the budget justification material does not provide the necessary information.

The conferees are dismayed by the attempts to scare members of Congress about the effects of potential reductions in these programs. The conferees believe that the Navy could have applied such effort more productively to providing the answers to legitimate questions.

The conferees are also unsure about the veracity of the claims made in some of the Navy Department's information papers. Claimed economic impacts on various geographic areas greatly exceeded the total potential reductions being considered. Accordingly, the DOD Inspector General is directed to investigate the accuracy of the Navy information papers prepared for the Congress on this matter, with specific attention to the economic impacts claimed, and to report his findings and recommendations to the Congress by December 31, 1994.

## SATCOM ship terminals

The budget request included \$126.4 million for procurement of SATCOM ship terminals.

The Senate bill would authorize the requested amount.

The House amendment would reduce the requested amount by \$20.0 million.

The conferees agree to reduce the requested amount by \$10.0 million, without prejudice.

## PROCUREMENT, MARINE CORPS

### Overview

The budget request for fiscal year 1995 contained an authorization of \$554.6 million for Procurement, Marine Corps. The Senate bill would authorize \$528.9 million. The House amendment would authorize \$528.4 million. The conferees recommend authorization of \$403.4 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Offset Folios 3066 to 3069 Insert here \*\*\*TABLE GOES HERE\*\*\*

## AMMUNITION, NAVY AND MARINE CORPS

### Overview

The budget request, the Senate bill, and the House amendment contained no separate accounts for ammunition programs of the Navy and the Marine Corps. These programs were funded within the Weapons Procurement, Navy and the Procurement, Marine Corps accounts, respectively. The conferees recommend authorization of \$449.8 million for these programs in a new Ammunition,

Navy and Marine Corps account as delineated in the following table. Unless noted explicitly in the statement of the managers, all changes are made without prejudice.

Offset Folios 3071 to 3072 Insert here \*\*\*TABLE GOES HERE\*\*\*

## AIRCRAFT PROCUREMENT, AIR FORCE

### Overview

The budget request for fiscal year 1995 contained an authorization of \$6,747.6 million for Aircraft Procurement, Air Force. The Senate bill would authorize \$6,588.0 million. The House amendment would authorize \$6,101.8 million. The conferees recommend authorization of \$6,489.5 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Offset Folios 3074 to 3076 Insert here \*\*\*TABLE GOES HERE\*\*\*

### E-4 procurement

The budget request contained \$35.2 million for modification of E-4 command post aircraft. The Senate bill would authorize the requested amount.

The House amendment would reduce the requested amount by \$10.0 million and would require a report on possible additional missions for the E-4 in the post-Cold War era.

The conferees agree to authorize the requested amount, but limit the obligation of \$10.0 million until the Secretary of Defense submits the report called for in the House report (H. Rept. 103-499).

## WEAPONS PROCUREMENT, AIR FORCE

### Overview

The budget request for fiscal year 1995 contained an authorization of \$4,392.2 million for Weapons Procurement, Air Force. The Senate bill would authorize \$4,330.5 million. The House amendment would authorize \$3,953.2 million. The conferees recommend authorization of \$3,732.8 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Offset Folios 3079 to 3080 Insert here \*\*\*TABLE GOES HERE\*\*\*

### Bomber improvements

The Senate bill would provide \$90.0 million for improved interim conventional weapons for heavy bombers.

The House amendment would provide \$100.0 million for both accelerating conventional weapon upgrades on B-1B bombers and for transferring heavy bombers from attrition reserve status to the active inventory.

The conferees agree to recommend the following funding:

(1) \$37.5 million for testing and conversion of the nuclear air-launched cruise missile to conventional weapons capability;

(2) \$40.0 million for the acquisition of GPS-aided munition system (GAMS) weapons and for testing of the brilliant anti-tank (BAT) submunition in a tactical munitions dispenser;

(3) \$5.3 million in procurement and \$18.1 million in operation and maintenance funds for the restoration of 24 B-52H bombers from attrition reserve status to active status; and

(4) \$16.9 million for the acceleration of the integration of the joint direct attack munitions (JDAM) family of weapons onto the B-1B bomber.

#### AMMUNITION, AIR FORCE

##### Overview

The budget request, the Senate bill, and the House amendment contained no separate account for Air Force ammunition programs. Those programs were funded within the Weapons Procurement, Air Force account. The conferees recommend authorization of \$251.5 million for these programs in a new Ammunition, Air Force account as delineated in the following table. Unless noted explicitly in the statement of the managers, all changes are made without prejudice.

Offset Folio 3083 Insert here \*\*\*TABLE GOES HERE\*\*\*

#### OTHER PROCUREMENT, AIR FORCE

##### Overview

The budget request for fiscal year 1995 contained an authorization of \$7,078.3 million for Other Procurement, Air Force. The Senate bill would authorize \$6,961.2 million. The House amendment would authorize \$6,855.4 million. The conferees recommend authorization of \$6,929.2 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Offset Folios 3085 to 3090 Insert here \*\*\*TABLE GOES HERE\*\*\*

#### PROCUREMENT, DEFENSE-WIDE

##### Overview

The budget request for fiscal year 1995 contained an authorization of \$1,744.9 million for Procurement, Defense-wide. The Senate bill would authorize \$1,935.6 million. The House amendment would authorize \$2,066.7 million. The conferees recommend authorization of \$1,891.4 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Offset Folios 3092 to 3094 Insert here \*\*\*TABLE GOES HERE\*\*\*

#### SR-71 reconnaissance aircraft

The budget request did not include funding for SR-71 aircraft.

The Senate bill would provide \$100.0 million in research and development, split equally between the national foreign intelligence program (NFIP) and tactical intelligence and related activities (TIARA) program budgets, to reactivate the SR-71 aircraft to provide a contingency reconnaissance capability. The Senate initiative depended on a determination of whether the costs would be acceptable and a viable contingency capability could be acquired for \$100.0 million.

The House amendment contained no similar funding.

The conferees agree to provide \$100.0 million to reactivate the SR-71 to provide an interim contingency reconnaissance capability to be managed by the Defense Airborne Reconnaissance Office for the purposes described in the Senate report (S. Rept. 103-282). The Secretary of Defense shall provide to the congressional defense committees classified and unclassified reports by January 1, 1995, detailing the following:

- (1) how the SR-71 could be integrated into the Department's reconnaissance modernization plan;
- (2) how the SR-71 will contribute additional capabilities to the Department's reconnaissance and intelligence collection capability;
- (3) the time it will take to fully reactivate the SR-71; and
- (4) the effect on the Future Years Defense Program of the costs to provide this additional reconnaissance capability until new endurance UAVs are fielded.

## PROCUREMENT, NATIONAL GUARD AND RESERVE EQUIPMENT

### Overview

The budget request for fiscal year 1995 contained no funds for Procurement, National Guard and Reserve Equipment. The Senate bill would authorize \$600.0 million. The House amendment would authorize \$787.2 million. The conferees recommend authorization of \$510.0 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Offset Folios 3097 to 3100 Insert here \*\*\*TABLE GOES HERE\*\*\*

### National Guard and reserve equipment

The budget request included no funds in the National Guard and reserve equipment procurement account.

The Senate bill would provide \$600.0 million. The Senate report (S. Rept. 103-282) provided these funds in broad categories, such as medical equipment, aviation and aeromedical equipment, construction and transportation equipment, and electronic and communications equipment. The report also indicated that the funds should be focused toward those activities that meet important military needs, and also enhance the capability of the reserve components to assist civilian authorities.

The House amendment would provide \$787.2 million. The House report (H. Rept. 103-499) allocated these funds to some specific programs and some generic categories.

The conferees agree to provide \$510.0 million, as indicated in the following table. The conferees note that they have provided \$130.0 million in the Army missile procurement account to buy a battalion of multiple launch rocket system (MLRS) launchers for the Army National Guard.

## NATIONAL GUARD AND RESERVE PROCUREMENT

[In millions of dollars]		
	Quantity	Amount
Army Reserve		
Miscellaneous equipment		50.0
Navy Reserve:		
Miscellaneous equipment		50.0
Tactical airlift aircraft	1	30.0
Marine Corps Reserve:		
Miscellaneous equipment		50.0
Air Force Reserve:		
Miscellaneous equipment		20.0
Tactical airlift aircraft	1	30.0
Army National Guard:		
Miscellaneous equipment		20.0
Air National Guard:		
Miscellaneous equipment		20.0
Tactical airlift aircraft	8	240.0

Total

10

510.0

The conferees agree that the funds in this account should be made available in a generic category that will:

- (1) give the reserve components maximum flexibility to identify their highest priority requirements and apply resources to filling those requirements; and
- (2) allow the purchases to enhance activities that meet important military needs, and also enhance the capability of the reserve components to assist civilian authorities.

The conferees also agree that none of the funds in these areas be obligated until the Chief of the National Guard Bureau and the head of each reserve component have reported on the proposed use of such funds, in accordance with established reprogramming procedures.

## CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE

### Overview

The budget request for fiscal year 1995 contained an authorization of \$575.3 million for Chemical Agents and Munitions Destruction, Defense. The Senate bill would authorize \$590.1 million. The House amendment would authorize \$670.3 million. The conferees recommend authorization of \$599.5 million, as delineated in the following table. Unless noted explicitly in the statement of managers, all changes are made without prejudice.

Offset Folio 3104 Insert here \*\*\*TABLE GOES HERE\*\*\*

## LEGISLATIVE PROVISIONS

### LEGISLATIVE PROVISIONS ADOPTED

Chemical agents and munitions destruction program (secs. 107, 142, and 143)

The budget request included \$575.3 million for the chemical agents and munitions destruction program.

The Senate bill contained a provision (sec. 106) that would authorize \$590.1 million for the program; authorize obligation of fiscal year 1994 appropriations for research, development, test, and evaluation for chemical agents and munitions destruction in title VI of Public Law 103-139; and amend Section 1412(f) of the Department of Defense Authorization Act of Fiscal Year 1986 to require military construction funds for the chemical agents and munitions destruction program to be included in separate defense accounts.

The House amendment contained a provision (sec. 107) that would authorize \$670.3 million for the program. The House amendment also contained a provision (sec. 1040) that would prohibit transportation of the unitary stockpile from one state to another state, and would allow chemical munitions that are not part of the unitary stockpile, which are discovered or come under the control of the Department of Defense, to be transported to the nearest chemical munitions storage facility that has the necessary permits to receive and store such items.

The conferees agree to authorize \$599.5 million for the chemical agents and munitions destruction program, an increase of \$24.2 million to the requested amount. The conferees recommend that, of the funds provided for procurement, \$22.5 million be available for the procurement of carbon filtration systems and ancillary equipment for the pollution abatement system at Tooele Army Depot and equipment modification design for all sites. Of the funds authorized for operation and maintenance, the conferees recommend that \$8.0 million be available to support Army implementation of the National Research Council (NRC) recommendations to update risk assessments for storage, handling, and disposal activities at each site; enhance the stockpile surveillance program; and implement a public outreach program. Of the funds authorized for